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THE
GENERAL STATUTES

OF THE
STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS:

TO WHICH ARE PREFIXED
THE CONSTITUTIONS
OF THE
UNITED STATES AND OF THE STATE



[PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.]

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CAMBRIDGE:
Printed at the Riverside Press.
1872.

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Rec. Dec. 7, 1872

PREFATORY NOTE.

THE General Statutes of the State will go into operation on the second day of December next. They have been printed under the direction of the undersigned, who were appointed by the Supreme Court, pursuant to a resolution of the General Assembly, "Commissioners to revise the Public Laws of the State, to consolidate all Statutes which relate to the same subject, and to digest the same under proper titles, chapters, and sections, and to report the same to the General Assembly, with such proposed improvements, alterations, and additions, as they may deem proper."

The Commissioners made their final report at the last May session of the General Assembly, at which time these statutes were enacted. The undersigned have had the assistance of Mr. John F. Tobey, in the preparation of the table of contents, and the head and marginal notes, and he has had also the immediate supervision of the book while passing through the press.

WILLIAM P. SHEFFIELD,
ABRAHAM PAYNE,
WINGATE HAYES.

November, 1872.

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OF

THE UNITED STATES.

PREAMBLE.

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11. Same subject.
12. Manner of choosing president and vice-president.
13. Slavery abolished. — Congress empowered to enforce this article by legislation.
14. Citizens and their rights. — Representative apportionment. — Disability of persons engaged in the rebellion. — Validity of public debt assured. — Congress empowered to enforce this article by legislation.
15. Right of impartial suffrage. — Congress empowered to enforce this article by legislation.

Preamble.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION FOR THE UNITED STATES OF AMERICA.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

Legislative powers, in whom vested.

SEC. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

House of representatives, how and by whom chosen.

No person shall be a representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Qualifications of a representative.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative: and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

Representatives and direct taxes, how apportioned.

Census.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Vacancies to be filled.

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Power of choosing officers and of impeachment.

SEC. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Senators, how and by whom chosen.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

How classified.

State executive to make temporary appointments, in case, &c.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

Qualifications of a senator.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

President of the senate, his right to vote.

The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

President *pro tem.* and other officers of senate, how chosen.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Power to try impeachments.

When president is tried, chief justice to preside.

Sentence.

Judgment in cases of impeachment shall not extend farther than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Times, &c., of holding elections, how prescribed.

SEC. 4. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

One session in each year.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Membership.

SEC. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Quorum.

Adjournments.

Rules. Power to punish or expel.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds expel a member.

Journal.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Time of adjournment limited, unless, &c.

Neither house, during the session of congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Compensation.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Privileges.

Disqualification in certain cases.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

House to originate all revenue bills.

SEC. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Veto.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it, but if not, he shall return it with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of

Bill may be passed by two thirds of each house, notwithstanding, &c.

both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

Bill not returned in ten days.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Resolutions, &c., to be passed and approved like bills.

SEC. 8. The congress shall have power:—To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:—To borrow money on the credit of the United States:—To regulate commerce with foreign nations and among the several states, and with the Indian tribes:—To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:—To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:—To provide for the punishment of counterfeiting the securities and current coin of the United States:—To establish post-offices and post roads:—To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:—To constitute tribunals inferior to the supreme court:—To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:—To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water:—To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:—To provide and maintain a navy:—To make rules for the government and regulation of the land and naval forces:—To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:—To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers and the authority of training the militia, according to the discipline prescribed by congress:—To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings:—And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Powers of congress.

SEC. 9. The migration or importation of such persons as any

Provision as to migration or importation of certain persons.

of the states now existing, shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas Corpus.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bills of attainder, &c. Taxes, how apportioned.

No bill of attainder, or *ex post facto* law, shall be passed.

No export duty. No commercial preferences.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue, to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

No money drawn from treasury, unless, &c.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No titular nobility. Officers not to receive presents, unless, &c.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

States prohibited from the exercise of certain powers.

SEC. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

No state shall, without the consent of congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

President and vice-president, their term of office.

SECTION 1. The executive power shall be vested in a PRESIDENT of the United States of America. He shall hold his office during the term of four years; and together with the vice-president chosen for the same term, be elected as follows:—

Electors of president and vice-president, number, and how appointed.

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states, and vote by ballot for two persons of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list

of all the persons voted for, and the number of votes for each ; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president ; and if no person have a majority, then from the five highest on the list, the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot, the vice-president.¹

The congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

Electors to vote on same day.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Qualifications of president.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president ; and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president ; and such officer shall act accordingly, until the disability be removed or a president shall be elected.

On whom his duties devolve in case of his removal, death, &c.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected ; and he shall not receive, within that period, any other emolument from the United States or any of them.

President's compensation.

Before he enter on the execution of his office, he shall take the following oath or affirmation :—

His oath.

“ I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States.”

SEC. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States : he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves

President to be commander-in-chief. He may require opinion of heads of departments. Pardoning power.

¹ See amendments, Article XII.

and pardons for offences against the United States, except in cases of impeachment.

Treaty-making power.

Nomination of certain officers.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

When president may fill vacancies.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

President shall communicate to congress.

He may convene and adjourn congress, in case, &c. Shall receive ambassadors, execute laws, and commission officers.

All civil offices forfeited for certain crimes.

SEC. 3. He shall, from time to time, give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SEC. 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Judicial power.

SECTION 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Tenure.

Compensation.

Judicial power, to what cases it extends.

SEC. 2. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states [between a state and citizens of another state¹], between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

Original jurisdiction of supreme court.

Appellate.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be

¹ See amendments, Art. XI.

by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

Trial by jury, except, &c. Trial, where.

Sec. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason defined. Proof of.

The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

Punishment of.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Each state to give credit to the public acts, &c., of every other.

Sec. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Privileges of citizens of each state. Fugitives from justice to be delivered up.

A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Persons held to service, having escaped, to be delivered up.

Sec. 3. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

Admission of new states.

The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Power of congress over territory and other property.

Sec. 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

Republican form of government guaranteed. Each state to be protected.

ARTICLE V.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one

Constitution, how amended.

Proviso. or the other mode of ratification may be proposed by the congress; *provided*, that no amendments which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

Certain debts, &c., adopted. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation.

Supremacy of constitution, treaties, and laws of the United States. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; anything in the constitution or laws of any state to the contrary notwithstanding.

Oath to support constitution, by whom taken. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

No religious test.

ARTICLE VII.

What ratification shall establish constitution. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia,

NEW HAMPSHIRE.
JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM,
RUFUS KING.

CONNECTICUT.
WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

NEW JERSEY.
WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.
GEORGE READ,
GUNNING BEDFORD, JUN.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.
JAMES M'HENRY,
DANIEL of St. Tho. JENIFER,
DANIEL CARROLL.

VIRGINIA.

JOHN BLAIR,
JAMES MADISON, JUN.

SOUTH CAROLINA.

JOHN RUTLEDGE,
CHAS. COTESWORTH PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

NORTH CAROLINA.

WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

GEORGIA.

WILLIAM FEW,
ABRAHAM BALDWIN.

Attest,

WILLIAM JACKSON, *Sec'ry.*

The constitution was adopted and ratified on the 29th of May, 1790, by a convention elected by the people of the state of Rhode Island.

ARTICLES,

In addition to, and amendment of, the Constitution of the United States, ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Religious establishment prohibited. Freedom of speech, of the press, and right to petition.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Right to keep and bear arms.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

No soldier to be quartered in any house, unless, &c.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Right of search and seizure regulated.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

Provisions concerning prosecution, trial, and punishment.

Private property not to be taken for public use, without, &c.

ARTICLE VI.

Further provisions respecting criminal prosecutions.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

Right of trial by jury secured.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail or fines and cruel punishments prohibited.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Rule of construction.

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Same subject.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

Same subject.

The judicial power of the United States shall not be construed to extend to any suit, in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

Manner of choosing president and vice-president.

The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president: and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no per-

son have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president; but in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice; and if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in case of the death, or other constitutional disability of the president.

The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced, in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any state, who,

having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two thirds of each house, remove such disability.

Validity of public debt assured.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Congress empowered to enforce this article by legislation.

SEC. 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

Right of impartial suffrage.

SECTION 1. The right of citizens of the United States to vote, shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

Congress empowered to enforce this article by legislation.

SEC. 2. The congress shall have power to enforce this article by appropriate legislation.

CONSTITUTION

OF THE

STATE OF RHODE ISLAND

AND

PROVIDENCE PLANTATIONS.

ARTICLE I.

Declaration of Rights.

SECTION

1. Right of the people to make and alter their constitution.
2. Object of government. — How laws should be made and burdens distributed.
3. Religious freedom secured.
4. Slavery prohibited.
5. Laws should provide remedies. — Justice should be free, complete, prompt.
6. Rights of search and seizure regulated.
7. Provisions concerning criminal proceedings.
8. Bail, fines, and punishments.
9. Bail and *habeas corpus*.
10. Rights of the accused in criminal proceedings.
11. Debtors entitled to relief.
12. No *ex post facto* law, &c., to be passed.
13. No man to criminate himself.
14. Presumption of innocence. — Accused to be secured without severity.
15. Trial by jury.
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17. Rights of fishery.
18. Military subordinate. — Martial law.
19. Of quartering soldiers.
20. Liberty of press secured. — Truth as a defence to libels.
21. Right of people to assemble, and to petition.
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16. Officers may be continued until successors qualified.
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1. How constituted.
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9. Lieutenant-governor, when to act as governor.
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SECTION

1. Governor and general officers, when elected.
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4. Lists of voters to be kept. [Obsolets.]
5. Ballots for members of assembly, how counted. — Adjournment of elections, when.
6. Of voting in the city of Providence.
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8. In case general officers not elected by people, how vacancies shall be filled.
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ARTICLE III.

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WE, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this constitution of government.

Preamble.

ARTICLE I.

Declaration of certain Constitutional Rights and Principles.

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare, that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial, and executive proceedings.

SECTION 1. In the words of the Father of his Country, we declare, that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Right of the people to make and alter their constitution.

Object of government. How laws should be made and burdens distributed.

Religious freedom secured.

SEC. 2. All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens.

SEC. 3. Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerable ancestors, in their migration to this country and their settlement of this state, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil state may stand and be best maintained with full liberty in religious concerns: we, therefore, declare, that no man shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfilment of his own voluntary contract; nor enforced, restrained, molested, or burdened in his body or goods; nor disqualified from holding any office; nor otherwise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience, and to profess and by argument to maintain his opinion in matters of religion; and that the same shall in nowise diminish, enlarge, or affect his civil capacity.

Slavery prohibited.

SEC. 4. Slavery shall not be permitted in this state.

Laws should provide remedies. Justice should be free, complete, prompt.

SEC. 5. Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

Rights of search and seizure regulated.

SEC. 6. The right of the people to be secure in their persons, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched, and the persons or things to be seized.

Provisions concerning criminal proceedings.

SEC. 7. No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or of such offences as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offence.

Bail, fines, and punishments.

SEC. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

Bail and *habeas corpus*.

SEC. 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offences punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever without the authority of the general assembly.

Rights of the accused in criminal proceedings.

SEC. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defence, and shall be at liberty to speak for himself; nor shall he be

deprived of life, liberty, or property, unless by the judgment of his peers, or the law of the land.

SEC. 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

Debtors entitled to relief.

SEC. 12. No *ex post facto* law, or law impairing the obligation of contracts, shall be passed.

No *ex post facto* law, &c., to be passed.

SEC. 13. No man in a court of common law shall be compelled to give evidence criminating himself.

No man to criminate himself.

SEC. 14. Every man being presumed innocent, until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

Presumption of innocence. Accused to be secured without severity.

SEC. 15. The right of trial by jury shall remain inviolate.

Trial by jury.

SEC. 16. Private property shall not be taken for public uses, without just compensation.

Private property secured.

SEC. 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state. But no new right is intended to be granted, nor any existing right impaired, by this declaration.

Rights of fishery.

SEC. 18. The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

Military subordinate. Martial law.

SEC. 19. No soldier shall be quartered in any house, in time of peace, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Of quartering soldiers.

SEC. 20. The liberty of the press being essential to the security of freedom in a state, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defence to the person charged.

Liberty of press secured.

Truth as a defence to libels.

SEC. 21. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address, or remonstrance.

Right of people to assemble, and to petition.

SEC. 22. The right of the people to keep and bear arms shall not be infringed.

Right to bear arms.

SEC. 23. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

Rule of construction.

ARTICLE II.

Of the Qualifications of Electors.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if

Of electors owning real estate.

by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this state out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the general assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

Of electors qualified to vote on adoption of constitution.

Registered voters.

Qualified by dollar tax.

Military duty.

Registered voters.

Qualified by dollar tax.
Military duty.

Who to vote for city council in Providence, to impose a tax, &c.

SEC. 2. Every male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this state, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay, at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer, or collector of any town or city where such payment is made: or who, being so registered, has been enrolled in any military company in this state, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this constitution, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar, or that he has been enrolled in a military company in this state, been equipped and done duty therein according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions, in all legally organized town or ward meetings: *Provided*, that no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the

expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars.

SEC. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein : but no compulsory process shall issue for the collection of any registry tax : *Provided*, that the registry tax of every person who has performed military duty according to the provisions of the preceding section, shall be remitted for the year he shall perform such duty ; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted ; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted as herein provided.

Of assessment and payment of registry tax.

SEC. 4. No person in the military, naval, marine, or any other service of the United States shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this state : and no pauper, lunatic, person *non compos mentis*, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly.

Who shall not gain residence, or be permitted to vote.

SEC. 5. Persons residing on lands ceded by this state to the United States shall not be entitled to exercise the privilege of electors.

Residents on lands ceded, &c., not electors.

SEC. 6. The general assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption, and fraud in voting.

Power of general assembly over elections.

ARTICLE III.

Of the Distribution of Powers.

The powers of the government shall be distributed into three departments : the legislative, executive, and judicial.

Three departments.

ARTICLE IV.

Of the Legislative Power.

SECTION 1. This constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect.

Constitution supreme law.

SEC. 2. The legislative power, under this constitution, shall be vested in two houses, the one to be called the senate, the other the house of representatives ; and both together the general assembly. The concurrence of the two houses shall be necessary to the enact-

Two houses.

General assembly.

- Style of laws. ment of laws. The style of their laws shall be, *It is enacted by the general assembly as follows:*
- Sessions of general assembly. SEC. 3. There shall be two sessions of the general assembly holden annually: one at Newport, on the first Tuesday of May, for the purposes of election and other business; the other on the last Monday of October, which last session shall be holden at South Kingstown once in two years, and the intermediate years alternately at Bristol and East Greenwich; and an adjournment from the October session shall be holden annually at Providence.
- Members not to take fees, &c. SEC. 4. No member of the general assembly shall take any fee, or be of counsel, in any case pending before either house of the general assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house of which he is a member.
- Members exempt from arrest, &c. SEC. 5. The person of every member of the general assembly shall be exempt from arrest, and his estate from attachment in any civil action, during the session of the general assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either house, no member shall be questioned in any other place.
- Powers of each house. SEC. 6. Each house shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as may be prescribed by such house or by law.
- Organization. The organization of the two houses may be regulated by law, subject to the limitations contained in this constitution.
- Powers to make rules, &c. SEC. 7. Each house may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member; but not a second time for the same cause.
- Of the journal and yeas and nays. SEC. 8. Each house shall keep a journal of its proceedings. The yeas and nays of the members of either house shall, at the desire of one fifth of those present, be entered on the journal.
- Of adjournments. SEC. 9. Neither house shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.
- Of powers not prohibited. SEC. 10. The general assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution.
- Pay of members. SEC. 11. The senators and representatives shall receive the sum of one dollar for every day of attendance, and eight cents per mile for travelling expenses in going to and returning from the general assembly. The general assembly shall regulate the compensation of the governor and all other officers, subject to the limitations contained in this constitution.
- Lotteries prohibited. SEC. 12. All lotteries shall hereafter be prohibited in this state, except those already authorized by the general assembly.
- Debts not to be incurred. SEC. 13. The general assembly shall have no power, hereafter, without the express consent of the people, to incur state debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall they in any case, without such consent, pledge the faith of the state for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this state by the government of the United States.

SEC. 14. The assent of two thirds of the members elected to each house of the general assembly shall be required to every bill appropriating the public money or property for local or private purposes.

Private or local appropriations.

SEC. 15. The general assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. A new estimate of such property shall be taken before the first direct state tax, after the adoption of this constitution, shall be assessed.

Of valuations of property and assessments.

SEC. 16. The general assembly may provide by law for the continuance in office of any officers of annual election or appointment, until other persons are qualified to take their places.

Officers may be continued until successors qualified.

SEC. 17. Hereafter, when any bill shall be presented to either house of the general assembly, to create a corporation for any other than for religious, literary, or charitable purposes, or for a military or fire company, it shall be continued until another election of members of the general assembly shall have taken place, and such public notice of the pendency thereof shall be given as may be required by law.

Bills to create corporations to be continued, except, &c.

SEC. 18. It shall be the duty of the two houses, upon the request of either, to join in grand committee for the purpose of electing senators in congress, at such times and in such manner as may be prescribed by law for said elections.

Of election of senators to congress.

ARTICLE V.

Of the House of Representatives.

SECTION 1. The house of representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one representative for a fraction exceeding half the ratio; but each town or city shall always be entitled to at least one member; and no town or city shall have more than one sixth of the whole number of members to which the house is hereby limited. The present ratio shall be one representative to every fifteen hundred and thirty inhabitants, and the general assembly may, after any new census taken by the authority of the United States or of this state, reapportion the representation by altering the ratio; but no town or city shall be divided into districts for the choice of representatives.

House, how constituted.

Ratio of representation.

SEC. 2. The house of representatives shall have authority to elect its speaker, clerks, and other officers. The senior member from the town of Newport, if any be present, shall preside in the organization of the house.

May elect its officers, &c.

ARTICLE VI.

Of the Senate.

SECTION 1. The senate shall consist of the lieutenant-governor and of one senator from each town or city in the state.

How constituted.

SEC. 2. The governor, and in his absence the lieutenant-governor, shall preside in the senate and in grand committee. The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

Governor to preside. When to vote in grand committee.

SEC. 3. If, by reason of death, resignation, absence, or other cause, there be no governor or lieutenant-governor present, to preside in the senate, the senate shall elect one of their own members to preside during such absence or vacancy; and until such election is made by the senate, the secretary of state shall preside.

May elect presiding officer in case of vacancy, &c.

Secretary and other officers.

SEC. 4. The secretary of state shall, by virtue of his office, be secretary of the senate, unless otherwise provided by law; and the senate may elect such other officers as they may deem necessary.

ARTICLE VII.

Of the Executive Power.

Of the governor and lieutenant-governor.
How elected.

SECTION 1. The chief executive power of this state shall be vested in a governor, who, together with a lieutenant-governor, shall be annually elected by the people.

Duty of governor.

SEC. 2. The governor shall take care that the laws be faithfully executed.

He shall command military and naval forces, except, &c.

SEC. 3. He shall be captain-general and commander-in-chief of the military and naval forces of this state, except when they shall be called into the service of the United States.

He may grant reprieves, &c.

SEC. 4. He shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly.

He may fill vacancies.

SEC. 5. He may fill vacancies in office not otherwise provided for by this constitution or by law, until the same shall be filled by the general assembly, or by the people.

He may adjourn assembly, in case, &c.

SEC. 6. In case of disagreement between the two houses of the general assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper: *Provided*, that the time of adjournment shall not be extended beyond the day of the next stated session.

He may convene assembly, when, &c.

SEC. 7. He may, on extraordinary occasions, convene the general assembly at any town or city in this state, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease, in the place in which the general assembly are by law to meet, or to which they may have been adjourned, or for other urgent reasons, he may by proclamation convene said assembly at any other place within this state.

Commissions, how signed, &c.

SEC. 8. All commissions shall be in the name and by authority of the state of Rhode Island and Providence Plantations; shall be sealed with the state seal, signed by the governor and attested by the secretary.

Lieutenant-governor, when to act as governor.

SEC. 9. In case of vacancy in the office of governor, or of his inability to serve, impeachment, or absence from the state, the lieutenant-governor shall fill the office of governor, and exercise the powers and authority appertaining thereto, until a governor is qualified to act, or until the office is filled at the next annual election.

Vacancies, how filled.

SEC. 10. If the offices of governor and lieutenant-governor be both vacant, by reason of death, resignation, impeachment, absence, or otherwise, the person entitled to preside over the senate for the time being shall in like manner fill the office of governor during such absence or vacancy.

Compensation of governor, &c.

SEC. 11. The compensation of the governor and lieutenant-governor shall be established by law, and shall not be diminished during the term for which they are elected.

Duties of general officers.

SEC. 12. The duties and powers of the secretary, attorney-general, and general treasurer, shall be the same under this constitution as are now established, or as from time to time may be prescribed by law.

ARTICLE VIII.

Of Elections.

SECTION 1. The governor, lieutenant-governor, senators, representatives, secretary of state, attorney-general, and general treasurer, shall be elected at the town, city, or ward meetings, to be holden on the first Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday of May next succeeding, and until others are legally chosen, and duly qualified to fill their places. If elected or qualified after the said first Tuesday of May, they shall hold their offices for the remainder of the political year, and until their successors are qualified to act.

Governor and general officers, when elected.

SEC. 2. The voting for governor, lieutenant-governor, secretary of state, attorney-general, general treasurer, and representative to congress, shall be by ballot; senators and representatives to the general assembly, and town or city officers, shall be chosen by ballot, on demand of any seven persons entitled to vote for the same; and in all cases where an election is made by ballot or paper vote, the manner of balloting shall be the same as is now required in voting for general officers, until otherwise prescribed by law.

General officers and members of assembly, how voted for.

SEC. 3. The names of the persons voted for as governor, lieutenant-governor, secretary of state, attorney-general, and general treasurer shall be placed upon one ticket; and all votes for these officers shall, in open town or ward meetings, be sealed up by the moderators and town clerks and by the wardens and ward clerks, who shall certify the same and deliver or send them to the secretary of state; whose duty it shall be securely to keep and deliver the same to the grand committee, after the organization of the two houses at the annual May session; and it shall be the duty of the two houses at said session, after their organization, upon the request of either house, to join in grand committee, for the purpose of counting and declaring said votes, and of electing other officers.

Same subject.

How votes to be sealed up, transmitted, and counted.

SEC. 4. The town and ward clerks shall also keep a correct list or register of all persons voting for general officers, and shall transmit a copy thereof to the general assembly, on or before the first day of said May session.

List of voters to be kept. [Obsolete.]

SEC. 5. The ballots for senators and representatives in the several towns shall, in each case, after the polls are declared to be closed, be counted by the moderator, who shall announce the result, and the clerk shall give certificates to the persons elected. If, in any case, there be no election, the polls may be reopened, and the like proceedings shall be had until an election shall take place: *Provided*, however, that an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

Ballots for members of assembly, how counted.

Adjournment of elections, when.

SEC. 6. In the city of Providence, the polls for senator and representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and afterwards delivered to the city clerk. The mayor and aldermen shall proceed to count said votes within two days from the day of election; and if no election of senator and representatives, or if an election of only a portion of the representatives shall have taken place, the mayor and aldermen shall order a new election, to be held not more than ten days from the day of the first election, and so on until the election shall be completed. Certificates of election shall be furnished by the city clerk to the persons chosen.

Of voting in the city of Providence.

If governor or lieutenant-governor not elected by people, grand committee to elect.

SEC. 7. If no person shall have a majority of votes for governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office, except when such a result is produced by rejecting the entire vote of any town, city, or ward, for informality or illegality, in which case a new election by the electors throughout the state shall be ordered; and in case no person shall have a majority of votes for lieutenant-governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office.

How.

In case general officers not elected by people, how vacancies shall be filled.

SEC. 8. In case an election of the secretary of state, attorney-general, or general treasurer, should fail to be made by the electors at the annual election, the vacancy or vacancies shall be filled by the general assembly in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or, in case of a vacancy in either of said offices from other causes, between the sessions of the general assembly, the governor shall appoint some person to fill the same until a successor elected by the general assembly is qualified to act; and in such case, and also in all other cases of vacancies, not otherwise provided for, the general assembly may fill the same in any manner they may deem proper.

Vacancies in assembly, how filled.

SEC. 9. Vacancies from any cause in the senate or house of representatives, may be filled by a new election.

Majority required to elect.

SEC. 10. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the election of the persons voted for.

ARTICLE IX.

Of Qualifications for Office.

Qualified electors only eligible.

SECTION 1. No person shall be eligible to any civil office (except the office of school committee), unless he be a qualified elector for such office.

Conviction of bribery, a disqualification.

SEC. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

Oath of general officers.

SEC. 3. All general officers shall take the following engagement before they act in their respective offices, to wit: You being by the free vote of the electors of this State of Rhode Island and Providence Plantations, elected unto the place of do solemnly swear (or affirm) to be true and faithful unto this state, and to support the constitution of this state and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: So help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury.

Officers, how engaged.

SEC. 4. The members of the general assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this constitution, and the constitution of the United States.

How oath to be administered to governor, &c.

SEC. 5. The oath or affirmation shall be administered to the governor, lieutenant-governor, senators and representatives, by the secretary of state, or, in his absence, by the attorney-general. The secretary of state, attorney-general, and general treasurer shall be engaged by the governor, or by a justice of the supreme court.

SEC. 6. No person holding any office under the government of the United States, or of any other state or country, shall act as a general officer, or as a member of the general assembly, unless at the time of taking his engagement he shall have resigned his office under such government; and if any general officer, senator, representative, or judge shall, after his election and engagement, accept any appointment under any other government, his office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgment of deeds, or other legal instruments, by the authority of any other state or country.

Holding office under United States, or other government, a disqualification for certain offices, except, &c.

ARTICLE X.

Of the Judicial Power.

SECTION 1. The judicial power of this state shall be vested in one supreme court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.

One supreme court. Inferior courts, how established.

SEC. 2. The several courts shall have such jurisdiction as may from time to time be prescribed by law. Chancery powers may be conferred on the supreme court, but on no other court to any greater extent than is now provided by law.

Jurisdiction of courts. Chancery powers.

SEC. 3. The judges of the supreme court shall, in all trials, instruct the jury in the law. They shall also give their written opinion upon any question of law whenever requested by the governor, or by either house of the general assembly.

Judges of supreme court to instruct jury. To give opinions, &c.

SEC. 4. The judges of the supreme court shall be elected by the two houses in grand committee. Each judge shall hold his office until his place be declared vacant by a resolution of the general assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and in default of the passage thereof at said session, the judge shall hold his place as is herein provided. But a judge of any court shall be removed from office if, upon impeachment, he shall be found guilty of any official misdemeanor.

Of election and tenure of office of judges of supreme court.

SEC. 5. In case of vacancy by death, resignation, removal from the state or from office, refusal or inability to serve, of any judge of the supreme court, the office may be filled by the grand committee, until the next annual election, and the judge then elected shall hold his office as before provided. In cases of impeachment, or temporary absence, or inability, the governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

Vacancies, how filled.

SEC. 6. The judges of the supreme court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

Compensation of judges.

SEC. 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the governor.

Justices of the peace and wardens, how elected. Their jurisdiction.

ARTICLE XI.

Of Impeachments.

Impeachments,
how ordered.

SECTION 1. The house of representatives shall have the sole power of impeachment. A vote of two thirds of all the members elected shall be required for an impeachment of the governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

Impeachments,
how tried.

SEC. 2. All impeachments shall be tried by the senate; and, when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two thirds of the members elected. When the governor is impeached, the chief or presiding justice of the supreme court, for the time being, shall preside, with a casting vote in all preliminary questions.

What officers
liable to im-
peachment.
Effect of con-
viction.

SEC. 3. The governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

ARTICLE XII.

Of Education.

Duty of general
assembly to
promote
schools, &c.

SECTION 1. The diffusion of knowledge, as well as of virtue, among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education.

The permanent
school fund.

SEC. 2. The money which now is, or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.

Donations for
support of
schools.

SEC. 3. All donations for the support of public schools, or for other purposes of education, which may be received by the general assembly, shall be applied according to the terms prescribed by the donors.

Powers of gen-
eral assembly
under this arti-
cle.

SEC. 4. The general assembly shall make all necessary provisions by law for carrying this article into effect. They shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatsoever.

ARTICLE XIII.

On Amendments.

Amendments,
how proposed,
how voted
upon, how
adopted.

The general assembly may propose amendments to this constitution by the votes of a majority of all the members elected to each house. Such propositions for amendment shall be published in the newspapers, and printed copies of them shall be sent by the secretary of state, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the state. The said propositions shall be, by said clerks, inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read

said propositions to the electors when thus assembled, with the names of all the representatives and senators who shall have voted thereon, with the yeas and nays, before the election of senators and representatives shall be had. If a majority of all the members elected to each house, at said annual meeting, shall approve any proposition thus made, the same shall be published and submitted to the electors in the mode provided in the act of approval; and if then approved by three fifths of the electors of the state present, and voting thereon in town and ward meetings, it shall become a part of the constitution of the state.

ARTICLE XIV.

Of the Adoption of this Constitution.

SECTION 1. This constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-three. The first election of governor, lieutenant-governor, secretary of state, attorney-general, and general treasurer, and of senators and representatives under said constitution, shall be had on the first Wednesday of April next preceding, by the electors qualified under said constitution. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil and military officers now elected, or who shall hereafter be elected, by the general assembly, or other competent authority, before the said first Wednesday of April, shall hold their offices and may exercise their powers until the said first Tuesday of May, or until their successors shall be qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the general assembly. All charters, contracts, judgments, actions, and rights of action shall be as valid as if this constitution had not been made. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-three, and until the government under this constitution is duly organized.

Constitution, when to go into operation.

Its effect on existing laws, charters, &c.

SEC. 2. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the state as if this constitution had not been adopted.

Former debts, &c., adopted.

SEC. 3. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established, and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present supreme judicial court, until otherwise prescribed by the general assembly.

Jurisdiction of supreme court.

SEC. 4. The towns of New Shoreham and Jamestown shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Exemptions of New Shoreham and Jamestown from military duty, continued.

Done in convention, at East Greenwich, this fifth day of November, A. D. one thousand eight hundred and forty-two.

JAMES FENNER, *President.*
HENRY Y. CRANSTON, *Vice-Pres't.*

THOMAS A. JENCKES, }
WALTER W. UPDIKE, } *Secretaries.*

ARTICLES OF AMENDMENT,

ADOPTED NOVEMBER, 1854.

ARTICLE I.

List of voters for general officers no longer required to be kept, &c.

It shall not be necessary for the town or ward clerks to keep and transmit to the general assembly a list or register of all persons voting for general officers; but the general assembly shall have power to pass such laws on the subject as they may deem expedient.

ARTICLE II.

The pardoning power, how exercised.

The governor, by and with the advice and consent of the senate, shall hereafter exclusively exercise the pardoning power, except in cases of impeachment, to the same extent as such power is now exercised by the general assembly.

ARTICLE III.

Sessions of the general assembly.

There shall be one session of the general assembly holden annually, commencing on the last Tuesday in May, at Newport, and an adjournment from the same shall be holden annually at Providence.

ARTICLE OF AMENDMENT,

ADOPTED AUGUST, 1864.

ARTICLE IV.

Electors absent from the state in the military service of the United States, allowed to vote.

Electors of this state who, in time of war, are absent from the state in the actual military service of the United States, being otherwise qualified, shall have a right to vote in all elections in the state for electors of president and vice-president of the United States, representatives in congress, and general officers of the state. The general assembly shall have full power to provide by law for carrying this article into effect; and until such provision shall be made by law, every such absent elector, on the day of such elections, may deliver a written or printed ballot, with the names of the persons voted for thereon, and his christian and surname, and his voting residence in the state, written at length on the back thereof, to the officer commanding the regiment or company to which he belongs; and all such ballots, certified by such commanding officer to have been given by the elector whose name is written thereon, and returned by such commanding officer to the secretary of state within the time prescribed by law for counting the votes in such elections, shall be received and counted with the same effect as if given by such elector in open town, ward, or district meeting; and the clerk of each town or city, until otherwise provided by law, shall within five days after any such election, transmit to the secretary of state a certified list of the names of all such electors on their respective voting lists.

STATE OF RHODE ISLAND AND PROVIDENCE
PLANTATIONS.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND SEVENTY-TWO.

GENERAL STATUTES

OF THE

STATE OF RHODE ISLAND AND PROVIDENCE
PLANTATIONS.

AN ACT

COMPRISING THE GENERAL STATUTES OF THE STATE.

It is enacted by the General Assembly as follows:—

TITLE I.

OF THE JURISDICTION AND CIVIL DIVISIONS OF THE
STATE.

CHAPTER 1. Of the jurisdiction of the state, and of land ceded to the
United States.

CHAPTER 2. Of the acquiring of jurisdiction of lands by the United
States, within this state.

CHAPTER 3. Of counties.

CHAPTER 4. Of towns.

CHAPTER 1.

OF THE JURISDICTION OF THE STATE, AND OF LAND CEDED TO THE UNITED STATES,

SECTION

1. Territorial limits of the state.
2. Jurisdiction of the state.

SECTION

3. Places ceded to the United States, and subject to state process.

Territorial limits of the state.

SECTION 1. The territorial limits of this state extend one marine league from its sea-shore at high-water mark. When an inlet or arm of the sea does not exceed two marine leagues in width between its headlands, a straight line from one headland to the other is equivalent to the shore-line. The boundary of counties bordering on the sea extends to the line of the state, as above defined.

Jurisdiction of the state.

SEC. 2. The jurisdiction of the state shall extend to, and embrace, all places within the boundaries thereof, except as to those places that have been ceded to the United States, or have been purchased by the United States with the consent of the state.

Places ceded to the United States, and subject to state process.

SEC. 3. The tracts of land herein after referred to are within the exclusive jurisdiction of the United States, subject to the reservations and conditions contained in the acts of the general assembly ceding jurisdiction thereof, respectively: *Provided*, that all civil and criminal process issued under the authority of this state may be executed thereon in the same way and manner as if the jurisdiction of said lands had not been ceded, that is to say,

A tract of land at Beaver Tail, in the south part of the town of Jamestown;

A tract of land at Watch Hill, in the town of Westerly;

A tract of land at Point Judith, in South Kingstown;

A tract of land at Poplar Point, in the town of North Kingstown;

A tract of land on the northwest point of Block Island, in the town of New Shoreham;

A tract of land at Nayatt Point, in the town of Barrington;

A tract of land at Warwick Neck, in the town of Warwick;

A tract of land at Sandy Point, on the island of Prudence, in the town of Portsmouth;

An island or place in the harbor of Newport, known as Lime Rock;

A lot of land near Bristol Ferry, in the town of Bristol;

An island in the outer channel of Providence River known as "Pomham Rock;" with "Fuller's Rocks," in Providence River, and so much of the land below high-water mark as is within the circle of one hundred feet radius from the centre of the light-house, beacon-light, or range-light, at said Fuller's Rocks; and so much land below high-water mark as is included within a circle of one hundred feet radius from the centre of the light-house, beacon-light, or range-light at Sassafras Point, in said Providence River; all of which several tracts of land have been acquired by the United States, as sites for light-houses.

A tract of land on Brenton's Neck, in Newport, being the site of Fort Adams;

Goat Island in the harbor of Newport, being the site of Fort Walcott and a light house;

Dutch Island, between Jamestown and South Kingstown, purchased for the purpose of a light-house, and the location of a fort;

- An island called Castle Island, at the entrance of Bristol harbor ;
- An island between Newport and Jamestown, known as Rose Island, ceded for a fort ;
- A lot of land on the east side of Weybosset Street, in the city of Providence, purchased for a custom-house, post-office, and United States court room ;
- A lot of land on the west side of South Main Street, in the city of Providence, purchased as a site for a custom-house ;
- A lot of land on the east side of Thames Street, in the city of Newport, purchased for a custom-house ;
- A lot of land in the town of Bristol, purchased for a post-office and custom-house.

CHAPTER 2.

OF THE ACQUIRING OF JURISDICTION OF LANDS BY THE UNITED STATES, WITHIN THIS STATE.

SECTION

1. Purchase by the United States of land for light-houses, &c., sanctioned.
2. Land so purchased exempted from taxation.

SECTION

3. State process to be executed thereon.
4. Mode of acquisition thereof, in case the owner is unable or refuses to sell.
5. Disposition of purchase money.

SECTION 1. The consent of the state of Rhode Island is given to the purchase by the government of the United States, or under the authority of the same, of any tract, piece or parcel of land, from any person within the limits of the state, for the purpose of erecting thereon light-houses, beacon-lights, range-lights, life saving stations, and light-keeper's dwellings and other needful public buildings connected therewith ; and all deeds, conveyances, or title papers for the same shall be recorded, as in other cases, upon the land records of the town in which the land so conveyed may lie. The consent herein given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided.

Purchase by the United States of land for light-houses, &c., sanctioned.

SEC. 2. The lots, parcels, or tracts of land so selected, together with the tenements and appurtenances for the purposes before mentioned, shall be held exempt from taxation by the state of Rhode Island.

Land so purchased, exempted from taxation.

SEC. 3. All civil and criminal process issued under the authority of this state, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid.

State process to be executed thereon.

SEC. 4. Whenever it shall be made to appear to the supreme court of this state, or to any justice thereof, upon the application of any authorized agent of the United States, that said United States are desirous of purchasing any tract of land, and the right of way thereto, within the limits of this state, for the erection of a light-house, beacon-light, range-light, life saving station, or light-keeper's dwelling, and that the owner of said land is unknown, non-resident or a minor,

Mode of acquisition thereof, in case the owner is unable or refuses to sell.

or from any other cause is incapable of making a perfect title to said lands, or in case the said owners, being residents and capable of conveying, shall, from disagreement in price, or from any other cause, refuse to convey said lands to the United States, the said court, or justice, shall order notice upon said application to be published in the newspaper published nearest where the land lies; also, a notice in a newspaper published in Newport, and a like notice to be published in a newspaper in Providence, once in each week for the space of four months, which notice shall contain an accurate description of the said lands, together with the names of the owners, or supposed owners, and shall require all persons interested in said lands to come forward on a day and at a place, to be specified in said notice, and to make their objections, if any they have, to having the lands condemned to the United States for the use aforesaid. Whereupon, the said court or justice shall proceed to empanel a jury, as in other cases, to appraise the value of said lands, at their fair market value, and all damages sustained by the owners thereof by the appropriation thereof by the United States for the purpose aforesaid; which award, when so assessed, with the entire costs of said proceedings, shall be paid into the general treasury of the state, and thereupon the sheriff of the county in which such land lies, upon the production of the certificate of the general treasurer that the said amount has been paid, shall execute to the United States, and deliver to their authorized agent, a deed of the said lands, reciting the proceedings in said cause, which said deed shall convey to the United States a good and absolute title to the said lands, for the purposes aforesaid, against all persons whatsoever.

Disposition of purchase money.

SEC. 5. The money so paid into the general treasury shall there remain until it is ordered to be paid out to the person who is entitled to receive the same, by the order of the said court.

CHAPTER 3.

OF COUNTIES.

SECTION

1. Newport.
2. Providence.
3. Washington.
4. Bristol.

SECTION

5. Kent.
6. Counties separated by or bordering on public waters. — Narragansett Bay, in what county.

Newport.

SECTION 1. The city of Newport, and the towns of Portsmouth, New Shoreham, Jamestown, Middletown, Little Compton, and Tiverton, shall constitute the county of Newport; and Newport shall be the county town.

Providence.

SEC. 2. The city of Providence, and the towns of Smithfield, Scituate, Gloucester, Cumberland, Cranston, Johnston, North Providence, Foster, Burrillville, East Providence, Pawtucket, Woonsocket, North Smithfield, and Lincoln, shall constitute the county of Providence; and Providence shall be the county town.

Washington.

SEC. 3. The towns of South Kingstown, North Kingstown, Westerly, Charlestown, Exeter, Richmond, and Hopkinton shall constitute the county of Washington; and South Kingstown shall be the county town.

SEC. 4. The towns of Bristol, Warren, and Barrington shall constitute the county of Bristol; and Bristol shall be the county town. Bristol.

SEC. 5. The towns of East Greenwich, Warwick, West Greenwich, and Coventry shall constitute the county of Kent; and East Greenwich shall be the county town. Kent.

SEC. 6. The jurisdiction of counties separated by, or bordering on the public waters within the jurisdiction of the state, shall be concurrent over such waters, except as is herein before provided. The waters of Narragansett Bay, and the lands and rocks therein, situated to the northward of a line drawn from the mouth of Pawtuxet River to Sabin's Point, shall be deemed a part of the county of Providence, and be within the jurisdiction of said county; and all the other waters of the said bay shall not be deemed to make part, or be within the sole jurisdiction of, any one particular county. Counties separated by or bordering on public waters. Narragansett Bay, in what county.

CHAPTER 4.

OF TOWNS.

SECTION 1. Boundaries of towns to remain as now established.

SECTION 1. The extent and boundaries of the several cities and towns shall remain as now established by law. Boundaries to remain as now established.

TITLE II.

OF ELECTIONS.

CHAPTER 5. Of the rights and qualifications of voters.

CHAPTER 6. Of the registering, listing, and returning lists of voters, and of proof of their qualification to vote.

CHAPTER 7. Of canvassing the rights, and correcting the lists, of voters.

CHAPTER 8. Of elective meetings.

CHAPTER 9. Of the manner of conducting elections.

CHAPTER 10. Of the election of representatives to congress.

CHAPTER 11. Of the election of electors of president and vice-president of the United States.

CHAPTER 12. General provisions concerning elections.

CHAPTER 5.

OF THE RIGHTS AND QUALIFICATIONS OF VOTERS.

SECTION

1. Persons entitled to vote in all town, &c., meetings.
2. Persons entitled to vote, except in election of city council of Providence, and for taxes.

SECTION

3. Persons entitled to vote in a town for general officers, &c., upon a six months' residence.

Persons entitled to vote in all town, &c., meetings.

SECTION 1. The two following classes of persons have, by the constitution, the first as registered, and the second as unregistered voters, a right to vote in the election of all civil officers, and on all questions, in all legally organized town, ward, or district meetings:—

First, Every male native citizen of the United States, of the age of twenty-one years, and who has had his residence and home in this state two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name shall be registered in the office of the clerk of the town where he resides, on or before the last day of December in the year next preceding the time of his voting, and who shall show by legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar, including in such tax or taxes, a tax upon his property in the town in which he shall offer to vote, valued at least at one hundred and thirty-four dollars.

Second, Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right, of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days.

Persons entitled to vote, except in election of city council of Providence, and for taxes.

SEC. 2. The two following classes of persons have, by the constitution, as registered voters, a right to vote in all elections, and on all questions as aforesaid, except in the election of the city council of the city of Providence, or upon any proposition to impose a tax or for the expenditure of money in any town or city:—

First, Every male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, and whose name shall be registered in the town where he resided at the time of such registry, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar.

Second, Every such citizen, resident or registered as last aforesaid,

who shall show by legal proof that he has been enrolled in a military company in this state, and been equipped and done duty therein according to law, for at least one day during the year next preceding the time he shall offer to vote.

SEC. 3. The following class of persons have by the constitution, as unregistered voters, a right to vote in the election of all general officers, and members of the general assembly, in the town or city in which they shall have had their residence and home for the term of six months next preceding the election:—

Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and shall own any such real estate within this state, but out of the town or city in which he resides, as is described in the second clause of the first section of this chapter, and who shall produce a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter, and that the deed, if any, has been recorded ninety days.

Persons entitled to vote in a town for general officers, &c., upon a six months' residence.

CHAPTER 6.

OF THE REGISTERING, LISTING, AND RETURNING LISTS OF VOTERS, AND OF PROOF OF THEIR QUALIFICATION TO VOTE.

SECTION

1. Of the registry book.
2. Who to be registered.
3. Penalty on town clerk for neglect, &c., in providing book and registering.
4. Of registered persons dead and non-resident.
5. Of purging the registry.
6. Penalty on board of canvassers for fraudulently, &c., adding to or striking from registry.
7. Of delivery by town clerks to assessors of taxes, of copy of registry.
8. Of delivery by city clerk of Providence to ward clerks, of copy of registry.
9. Of delivery by ward clerks of Providence of list of voters, &c.
10. Of assessment of tax on persons registered in towns.
11. Of assessment of tax on persons registered in Providence, and designation of class of voters.
12. Of delivery of assessments to collectors of taxes.
13. Penalty on town and ward clerks

SECTION

- for neglect to deliver assessments.
14. Penalty on assessors for neglecting to make assessments.
15. Penalty on assessors for wilful neglect, &c., to assess particular person or persons.
16. Of proof of fact of registry.
17. Of proof of payment of registry and other taxes.
- 18 and 19. Registry and other taxes when to be paid, and proof of payment.
- 20 and 21. Of payment of two registry taxes, when.
22. Of payment of property tax to entitle to vote for city council of Providence and for taxes, and of proof of same.
23. Penalty on collector, &c., for wilful refusal to furnish proof of payment of taxes on demand, &c.
24. Collectors of taxes where to be on certain days before elections, or to appoint agent, and proof of payment of taxes to agent.

SECTION

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Of the registry book.

SECTION 1. Every town clerk shall provide a suitable book for the registry of the names of all persons, who in order to vote are required by the constitution to be registered, which book shall be kept in the office of the town clerk, for the purpose of such registry only, and shall always be open to the inspection of any elector of such town.

Who to be registered.

SEC. 2. The town clerk shall register in such book, with the date of the registry, the name of every male inhabitant of the town, who shall demand such registry and who shall declare that he is qualified by birth, and is or will be within a year qualified by age and residence, to vote in such town, and his place of residence therein as near as may be; and shall also register therein, with the date of registry, the name of every such inhabitant demanded to be registered by any elector of such town, who shall declare that such inhabitant is qualified by birth, and is or will be within a year qualified by age and residence, to vote in such town, and his place of residence therein as near as may be, and the town clerk shall also register opposite the name of such inhabitant, the name of the elector demanding the same: *Provided*, that neither the city clerks of the cities of Providence and of Newport, nor the town clerk of the town of Woonsocket, shall be required to register the name of any person as aforesaid, unless the person himself demand it, or the elector who presents such name shall make oath, before such clerk, that the person whose name he presents is qualified by birth, and is, or within a year will be, qualified by age and residence, to vote in such city or town, as the case may be.

Penalty on town clerk for neglect, &c., in providing book and registering.

SEC. 3. Every town clerk who shall neglect to provide and keep such book, or who shall refuse at any suitable time, to permit such inspection of the same, or who shall refuse or neglect to register the name of any person, upon demand and declaration as aforesaid, or shall register a name without a date, or with a false date, or shall fraudulently erase from the registry the name of any person duly registered thereon, shall be fined one hundred dollars for every such offence.

SEC. 4. No person whose name is upon the registry of any town shall be deemed to be registered therein, who shall have died, or who for the space of one year shall have ceased to reside in such town.

Of registered persons dead and non-resident.

SEC. 5. The board of canvassers of each town, of the city of Newport, and of the wards of the city of Providence, shall, on the third Monday of June, in each year, carefully examine the registry of such town, in open meeting, and purge the same by placing against the names of all persons thereon who are dead, or who for the space of one year shall have ceased to reside in such town, or whose names shall not have been put upon some list of voters in said town, duly certified, for some election of general or town officers, for the space of three years next preceding the meeting of the town council, the word "dead," "non-resident," or "unqualified," as the case may be; and shall correct the registry, where the same person is registered more than once thereon.

Of purging the registry.

SEC. 6. If the name of any person shall be wilfully or fraudulently added to the registry, who shall not be entitled to vote as aforesaid, or shall be wilfully or fraudulently stricken from the registry whose name should be retained thereon, every member of the board of canvassers wilfully or fraudulently concurring therein, shall be fined one hundred dollars for every name so added, or stricken off.

Penalty on canvassers for fraudulently, &c., adding to or striking from registry.

SEC. 7. On or before the second Monday of January in every year, the town clerk of each town shall deliver to the assessors of taxes of his town, a certified copy from the registry of the names of all persons registered in the town, on or before the last day of December preceding, alphabetically arranged, placing opposite the name of every person thereon the amount of his assessed property tax, for and within the said year.

Of delivery by town clerk to assessors of taxes of copy of registry.

SEC. 8. In the city of Providence, the city clerk shall, on or before the second Monday of January in every year, deliver to the ward clerk of each ward a certified copy from the registry, of names of all persons registered as residing in their respective wards, during the year ending December thirty-first, preceding.

Of delivery by city clerk, Providence, to ward clerks.

SEC. 9. Every ward clerk shall, within five days thereafter, deliver to the board of assessors of said city a certified copy of the names of all persons then standing on the list of voters in said ward, including the names of all persons registered during the year preceding, and of all persons who may become qualified to vote by payment of a tax.

Of delivery by ward clerk, Providence, of list of voters, &c.

SEC. 10. The assessors of taxes in each town shall, within five days after said second Monday of January in every year, assess upon every person whose name shall have been registered as aforesaid, as his registry tax, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, and return to the clerk's office of the town the said copy of the registry by them duly certified, with the registry tax assessed against each person placed against his name thereon, which copy so returned, it shall be the duty of the town clerk to put on file in his office.

Of assessment of tax on persons registered in towns.

SEC. 11. The board of assessors in the city of Providence shall, within thirty-five days after said second Monday of January in every year, assess upon each of said names the sum of one dollar, or such sum as with other taxes shall amount to one dollar, and shall also designate such persons on said list of voters, in each ward, as are entitled to vote under article two, section one, of the constitution of this state, and also such persons as have been assessed for a tax on personal property during the preceding year; and shall return said copies, with such assessments and designations, to the respective ward clerks.

Of assessment of tax, and designation of voters, in Providence.

Of delivery of assessments to collector of taxes.

SEC. 12. The town clerk shall, within five days after the assessments have been made in each year, deliver a duly certified copy of the registry, with the assessments aforesaid, to the collector of taxes for such town.

Penalty on clerks for neglect to deliver assessments.

SEC. 13. Every town clerk or ward clerk neglecting or refusing to deliver such certified copy to the assessors as aforesaid, or wilfully delivering a false or imperfect copy, shall be fined three hundred dollars.

Penalty on assessors for neglecting, &c., to make assessments.

SEC. 14. If any assessor of taxes shall wilfully neglect or refuse to make such assessments, he shall be fined one thousand dollars, and be liable to imprisonment for one year.

Penalty for neglect, &c., to assess particular persons.

SEC. 15. If any assessor shall wilfully neglect or refuse to assess as aforesaid any person registered as aforesaid, he shall be fined one hundred dollars for each and every person whom he shall so neglect or refuse to assess.

Proof of registry.

SEC. 16. The proof of the registry of a person in a town other than that in which he shall offer to vote, shall be the certificate of the town clerk of the town in which he is registered.

Proof of payment of registry and other taxes.

SEC. 17. The proof of the payment of registry and other taxes shall be the certificate of the collector of taxes, town treasurer, or of the town clerk; and the receipt or return of the collector or town treasurer shall be sufficient evidence for the purpose of procuring the certificate of the town clerk. In case of a school district or highway tax, where by law the same may be paid, whether in money or labor, to a surveyor of highways or to a district collector, the receipt of such surveyor or district collector shall be sufficient evidence of such payment for the purpose of procuring the certificate of the collector of taxes, or of the town clerk.

Registry and other taxes, when to be paid, and proof of payment.

SEC. 18. No person who claims a right to vote upon the payment of a tax or taxes assessed, for any other officers than aldermen, or common councilmen of the city of Providence, or upon any other proposition than one to impose a tax, or than one for the expenditure of money in any town or city, shall by the boards of canvassers be admitted to vote, unless upon the production of a certificate from the collector of taxes, town treasurer, or town clerk of some town in the state, that before the fourth day preceding the annual election in April, or before the fourth day preceding the day of any other election, he has paid such tax assessed for, and within such year, at least to the amount of one dollar.

Same subject.

SEC. 19. If such person claim a right to vote upon the payment of a registry tax, such payment shall be certified as aforesaid, by the officer of the town in which he resided at the time such tax was assessed, authorized to receive the same.

Of payment of two registry taxes, when.

SEC. 20. If the name of such person has been registered for more than one year, two registry taxes for the two years next preceding the canvass having been assessed against him, and he claim a right to vote upon the payment of his registry tax, the certificate of the officer of the town in which he resided at the time such tax was assessed, authorized to receive the same, shall be produced before the canvassers, that before the canvass, he has paid such registry tax for each of the two years next preceding the time of voting; or that one of the same, if the other has been paid, has been remitted by the town council of the town in which he resided at the time of the assessment of said tax, in conformity with article second, section third, of the constitution.

Same subject.

SEC. 21. The payment of such registry tax for the first of said

years, shall not be required in any case where the person so taxed would not have been entitled to vote in the town where he was so taxed, had the payment been made before the fourth day preceding the annual election in April, in said first year.

SEC. 22. No person claiming a right to vote upon the payment of a property tax, in the election of the city council of the city of Providence, or of any member of the same, or upon any proposition to impose a tax, or for the expenditure of money in any town, shall, in such case, be admitted by the canvassers to vote, unless he produces a certificate from the collector of taxes, or town treasurer, that he has, on or before the fourth day preceding the election, or before the time of voting on any proposition as aforesaid, paid a tax assessed for and within the year preceding upon his property therein, valued at least at one hundred and thirty-four dollars; which, of itself, or with other taxes paid by him, amounts to one dollar.

Of payment of property tax to vote for city council of Providence.

SEC. 23. Every town clerk, collector of taxes, or other officer authorized to receive the taxes or give the certificates, as hereinbefore provided, who shall wilfully refuse to grant the certificate therein prescribed to any person demanding the same and legally entitled thereto, or shall wilfully and fraudulently grant such certificate to any person not legally entitled thereto, shall be fined one hundred dollars for each and every offence; and in all cases, the return of said collector, town treasurer, or town clerk, shall be deemed evidence of the payment of the said tax or taxes.

Penalty on collector, &c., for refusal to furnish proof of payment of taxes, &c.

SEC. 24. The collector of taxes in each town shall be and remain in the town clerk's office, and in the cities of Newport and Providence, shall be and remain at his own or at the town clerk's office, from and after the day of his receiving the copy of the registry as hereinbefore provided, from twelve to six o'clock in the afternoon, and in the city of Providence, from three to nine o'clock in the afternoon, during the six days, exclusive of Sunday, next preceding the last four days before the day of the annual election for state officers, and one day before the fourth day next preceding any other election; or in case of absence, he shall appoint some one as his agent, there to remain as aforesaid, during the period aforesaid, to receive the registry tax: *Provided*, that the certificate of such payment shall, in case of payment to the agent, be under the hand of the collector, in order to avail as proof before the board of canvassers.

Collectors of taxes, where to be on certain days, &c.

SEC. 25. If the collector shall die, resign, be unable, or neglect or refuse to do his duty hereinbefore required, the town clerk of each town shall receive and certify the payment of the registry tax, with the same effect that the collector might do.

Town clerk to certify, &c., when.

SEC. 26. Any wilful neglect or refusal of duty on the part of the collector, or town clerk, or agent, under the two sections next preceding, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars.

Penalty for neglect, &c.

SEC. 27. The town clerk or town treasurer of each town may receive any registry tax, and certify the receipt thereof, with the same effect as if received by the collector of taxes.

Town clerk or treasurer may receive registry tax.

SEC. 28. Every town, ward, or district clerk, upon payment or tender of his legal fees, which shall be the same for the ward and district clerks as for the town clerks, shall furnish to any one demanding the same, a certified copy of any list of voters whose votes have been given in at any election.

Town, &c., clerks to give certified copies of lists of voters,

SEC. 29. Every town clerk shall upon like payment or tender, furnish to any person demanding the same, a certified copy of any

and of registration of voters and other records, &c.

registration of voters, and shall also, upon request of any person, and tender of legal fees, and without any unreasonable delay, examine the records, and certify to the estate of any person, and shall furnish copies of any instrument or writing which may be on record, or in the files of his office.

Collectors, &c., to furnish list of persons who have paid taxes.

SEC. 30. Every collector of taxes, or other officer authorized to receive the same, shall, upon like request and payment or tender, and without unreasonable delay, furnish to any elector a certified list of those who have paid to him, state, town, and registry taxes, and the amounts and times of such payments; and shall grant certificates setting forth whether a certain person has or not paid to him such taxes, and if paid, to what amount, and at what time; and every town, ward, or district clerk, or collector of taxes, who shall refuse or unreasonably delay to furnish such lists or certificates, upon payment or tender as aforesaid, shall, for every such offence, be fined not less than twenty-five dollars, nor more than two hundred dollars.

Collectors, &c., to return to board of canvassers list of registered persons, &c.

SEC. 31. The collector of taxes, or other officer authorized to receive the same, shall present to the board of canvassers at every meeting for the purpose of canvassing, alphabetical lists of the names of all persons registered on or before the last day of December next preceding, in their respective towns, city of Newport, and the wards of the city of Providence, who shall have paid such officer their taxes, together with the amount of the payment by each, specifying whether the tax was an assessed tax, or a tax on his property valued at least at one hundred and thirty-four dollars, which have not been before presented.

Penalty, &c., on collectors, &c., not returning.

SEC. 32. Every collector, or other officer authorized to receive taxes, neglecting or refusing to make such return to the board of canvassers as aforesaid, shall, for every offence, be fined not less than one hundred dollars, nor more than one thousand dollars.

Proof of military duty.

SEC. 33. If any person claim a right to vote on account of having done military duty, the proof thereof shall be a certificate from the commanding officer of any military company in this state in which he is enrolled, that he has, within the year next preceding the time when he shall offer to vote, done duty therein, for at least one day, and been equipped according to law: *Provided*, that in case such commanding officer shall have ceased to hold office, the certificate of the person commanding such military company at the time such service was performed, may be received as evidence of such service; *and provided further*, that in case of the death of such commanding officer, or of the refusal of the person who was such commanding officer at the time such service was performed, to give such certificate, then such certificate may be given by any commissioned officer in said company, and in case all of such commissioned officers have ceased to hold offices, by any person who was such commissioned officer.

Penalty on commanding officer refusing proof.

SEC. 34. Every commanding officer, who shall wilfully refuse to grant such certificate to any person properly entitled to the same, or shall knowingly grant any such certificate to any person not entitled thereto, shall, for every such offence, be fined one hundred dollars.

Of return by commanding officer of those performing military service.

SEC. 35. The commanding officer of each military company in this state shall, on or before the fourth day preceding the annual election in April, or on or before the fourth day preceding the day of any other election, make return, certified and sworn to by him before some judge, justice of the peace, or notary public, of all persons, arranging their names alphabetically, belonging to such company, qualified to vote, by military service as aforesaid, to the clerk's office of the several towns in which such persons reside.

SEC. 36. Every such commanding officer who shall wilfully neglect or refuse to make such return, or shall knowingly make a false or imperfect return, shall be fined not less than twenty-five dollars, nor more than five hundred dollars.

Penalty for neglect to make return.

SEC. 37. The commanding officers of the several companies shall have full power, and it shall be their duty to require from all officers and privates under their command, all such returns and evidences under oath, as may be necessary to enable them to comply with the provisions of the constitution and of this title.

Power of commanding officer to require returns.

SEC. 38. Every such officer or private, refusing to make such returns, or to give such evidence when thereunto duly required, or wilfully making false returns, or giving false evidence, shall be fined not less than twenty-five dollars, nor more than three hundred dollars.

Penalty for refusal to give return, &c.

SEC. 39. On or before the first Monday of March in every year, the town clerks in the several towns shall furnish to the boards of canvassers of their respective towns a duly certified alphabetical list of all persons registered therein on or before the last day of December next preceding, for the purpose of voting; and separately therefrom, correct alphabetical lists of the names of all persons entitled to vote under article second, section first, of the constitution. The city clerk of the city of Providence shall furnish like lists to the boards of canvassers of the several wards of said city.

Of return by town clerk to canvassers of list of voters.

SEC. 40. Every town clerk who shall wilfully neglect or refuse to deliver such lists, within the time above limited, or who shall wilfully deliver false or imperfect lists, shall be fined not less than five hundred dollars, nor more than one thousand dollars, or be imprisoned not less than six months, either or both, at the discretion of the court who shall try the offender.

Penalty on town clerk for neglect, &c.

CHAPTER 7.

OF CANVASSING THE RIGHTS, AND CORRECTING THE LISTS, OF VOTERS.

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Boards of canvassers, who.

SECTION 1. The town councils shall be the boards of canvassers of voters in their respective towns. In the city of Providence, the aldermen and common councilmen of each ward shall constitute such board in such ward, and the alderman of the ward shall be chairman of the board.

Clerks of boards, who, and duty of.

SEC. 2. The town clerks shall act as clerks of such boards in their respective towns except in the city of Providence; and shall produce to the said boards, in their respective towns and in the wards of the city of Providence, such returns, documents, and records as may be required by them for the performance of their duties. The clerk of each ward in the city of Providence shall be clerk of the board of canvassers in such ward.

Meeting of board of canvassers.

SEC. 3. The boards of canvassers of the several towns and wards shall hold a meeting on the first Monday of March in every year, and shall make out correct alphabetical lists of all persons qualified, or who may, by the payment of the registry or other taxes, become qualified to vote generally, to wit:

Lists of voters.

First, Of all persons entitled to vote under article second, section first, of the constitution, and of all persons who are or may be entitled by registry and payment of registry and other taxes, or by the performance of military duty, to vote in their respective towns; distinguishing the persons registered, who are not entitled to vote under article second, section first, of the constitution, and who had not paid their registry or other taxes at the time of making said lists, from those who had paid their taxes; *Second*, Separately from such lists, correct alphabetical lists of all persons entitled to vote upon any proposition to impose a tax or expend money in their respective towns, to wit: Of all persons entitled to vote under article second, section first, of the constitution, and of every person who has paid taxes assessed within the year preceding, to the amount of one dollar, including therein a tax upon his property in such town, valued at least at one hundred and thirty-four dollars, or on whose property, valued as aforesaid, a tax has been assessed and not paid; distinguishing in the said list as hereinbefore provided, those who are not entitled to vote under article second, section first, of the constitution, and who have not paid the said tax.

List of voters to be posted up, when and where.

SEC. 4. On or before the second Monday in March in each year, the boards of canvassers shall cause said lists to be posted up in three or more public places in their respective towns and wards, and one in the town clerk's office, which last lists shall be open to the examination of any elector of the town, at all reasonable hours.

SEC. 5. In the city of Newport, separate lists of the voters in each ward shall be made out by the mayor and aldermen, and the lists for each ward shall be posted up in some public place in the ward, and in the office of the city clerk, and the boards of canvassers in the city of Providence, and the board of canvassers in the city of Newport, shall transfer the names of electors who have removed from one ward into another, to the voting list of the ward in which they reside at the time of canvassing such lists.

Where in Newport, and transfer in Providence and Newport.

SEC. 6. Separate lists of the voters in each of the districts in any town which is or may be divided into voting districts, shall be made out by the town councils of such towns, and the lists for each district shall be posted up in one or more public places in each of the said districts, and in the town clerk's office.

Where in towns divided into voting districts.

SEC. 7. Every person who shall take down, deface, or destroy any list of voters posted up as aforesaid, shall be fined three hundred dollars, or be imprisoned three calendar months.

Penalty for defacing, &c., lists.

SEC. 8. On or before the third Monday of March in every year, the boards of canvassers of the several towns not divided into voting districts, and of the several wards of the city of Providence, shall be in session at some convenient place for a reasonable time, in their respective towns and wards, for the purpose of correcting such lists; and the notice of the time or times, and place or places, of holding said sessions, shall be given by the boards of canvassers upon the lists posted up as aforesaid.

Of correction of lists, &c., and of notice thereof.

SEC. 9. Within two days after the correction of the lists as aforesaid, such corrections shall be, by the several town and ward clerks, entered upon such lists so posted, or other lists shall be corrected and posted in their places.

Of posting up corrected lists.

SEC. 10. On or before the third Monday of March in each year, the board of canvassers in the several towns, which are or may be divided into voting districts, not including cities divided into wards, shall be in session in some convenient place in each of said districts for a reasonable time to correct said lists; and the notice of the time and place of holding such session shall be given by the council, on the list posted up as aforesaid.

Of correction of lists in towns divided, &c.

SEC. 11. The board of canvassers shall, at their several meetings, correct the lists, and add to the list of voters, all persons otherwise qualified, who, since the preceding meeting have paid taxes assessed against them, necessary for a qualification, and all such others whose names may not be on the list of voters, who may be shown to be entitled to vote under article second, section first, of the constitution, or by the performance of military duty.

Same subject.

SEC. 12. Said boards shall hold their last meeting within four days next preceding the day of voting at any election, when they shall complete the lists of all persons qualified; which lists need not be posted up as aforesaid, but notice of the time and place of such session shall be given, for at least ten days previous thereto, by posting up notices thereof, in three or more public places in every town, and one in each ward in the cities of Providence and Newport; also, one in each voting district in any town divided into districts for the purpose of voting, and one in the town or city clerk's office; in addition to such notice by publication in one or more newspapers published in such town or city, if any there be.

Of last meeting of canvassers, and notice of same.

SEC. 13. In special elections of representatives in congress and of members of the general assembly, said boards shall, on the week-day next preceding the day of the election, correct as aforesaid the list of

Of correction of voting list in special elections.

voters of their respective towns, city, and wards, without notice or posting up as aforesaid; and in called town or ward meetings shall, if the time of such call will permit, correct as aforesaid said lists; and if the time will not permit, the qualifications of voters at such called town or ward meetings shall be determined by the voting lists as last before corrected; and the town clerk immediately upon issuing a notice for any such called town or ward meeting, shall give notice thereof to the board or boards of canvassers.

Of striking name from voting list.

SEC. 14. No name shall be stricken from the voting list by any board of canvassers, unless proof shall be presented to said canvassers that such name is the name of a person not qualified to vote, or who may not be qualified according to the provisions of this title.

Corrected list, to whom to be delivered.

SEC. 15. The list of voters so corrected, shall be by said board of canvassers certified by their presiding officer, and on the same day delivered to the town clerks of their respective towns, to be delivered by said town clerks to the moderators of town meetings in their respective towns.

To whom, in towns divided into voting districts, and in Newport.

SEC. 16. The town clerk of every town divided into districts for the purpose of voting, shall send to the moderator of each of said districts a certified copy of the list for his district, before the time fixed for opening the district meetings, for any election as aforesaid; and the city clerk of the city of Newport shall, from the list of voters so corrected, make out separate lists of the voters of each ward in said cities, and send such lists, by them certified, to the clerks of the respective wards, before the time fixed for the opening of the ward meetings.

Penalty upon canvassers, &c., for neglect, &c.

SEC. 17. For any wilful neglect to hold the sessions, to post up the lists, or to deliver the same, in this chapter as required, every member of the board of canvassers, and every town and ward clerk so wilfully neglecting, shall be fined not exceeding five hundred dollars.

Board of canvassers to administer oaths and take evidence.

SEC. 18. Said board of canvassers may, at their sessions, holden either for the purpose of revising the registry, or canvassing the votes as aforesaid, examine, under oath, the person whose right to vote is disputed, or any other person present, and may receive any other evidence offered, that such board may deem necessary, respecting the right of any person to have his name upon the registry or to vote, and shall decide upon the same.

Penalty for refusing to answer.

SEC. 19. Every person refusing to answer upon such examination, shall be fined not less than twenty-five dollars, nor more than three hundred dollars for such refusal.

Penalty upon canvassers for fraudulent placing, &c., upon list.

SEC. 20. If any board of canvassers shall, at any session holden for the purpose of correcting the lists of voters, as is herein before provided, wilfully and fraudulently place the name of any person upon the list of voters who is not entitled to vote, or shall wilfully and fraudulently reject and cause to be erased from said list the name of any person entitled to vote, every member of such board so offending, who shall concur in said offence, shall be fined not less than one hundred dollars, nor more than five hundred dollars.

Canvassers not liable for omissions in returns, when.

SEC. 21. The board of canvassers, in case they shall have entered on said lists the names of all persons returned to them by said town clerks, shall not be held answerable for any omissions in said lists, nor for refusing to place on such list the name of any person omitted in the lists to them delivered as aforesaid, unless at one of their said sessions they shall be furnished with sufficient evidence of such omission, and of the qualifications as a voter of the person omitted.

SEC. 22. The respective town and ward clerks shall record the votes of the members of the board of canvassers upon admitting or rejecting the name of any person from the list of voters, when they shall be requested thereto by any member of said board, or by any qualified elector of said town or city, present at the time of canvassing, a certified copy of which record shall be evidence of the facts therein stated; and for any wilful neglect upon the part of said clerk to make said record when requested as aforesaid, he shall be fined not exceeding five hundred dollars.

Record of persons rejected from, or admitted on, lists.

Penalty for neglect to record.

SEC. 23. If any city, town, or ward clerk shall at any time wilfully and fraudulently add a name to any list of voters, or erase any name therefrom, after the same has been corrected and certified as aforesaid, he shall be fined one hundred dollars for every name added or erased as aforesaid.

Penalty for fraudulent addition to, &c., list.

SEC. 24. The members of the boards of canvassers, and the clerks of such boards in the several towns, shall be paid two dollars each, by their respective towns, for every day's attendance in the discharge of their duties, and the town clerks shall be paid, in addition, legal fees for making out and recording the several lists and returns in this chapter required. The members of the boards of canvassers in the city of Providence, and their respective clerks, shall severally receive such compensation as the city council of said city shall determine.

Canvassers and clerks, how and what paid.

CHAPTER 8.

OF ELECTIVE MEETINGS.

SECTION

1. Town meetings for elections, how warned and organized.
2. Ward meetings for, how warned and organized.
3. District meetings, when and where held.
4. Of district meetings on first Wednesday in April.
5. Of notice of time, place, and purpose of the first meeting of a newly formed district.
6. Who to preside at such meeting.
7. Who, officers of voting districts.
8. When elected, and how qualified.
9. Of duty and power of moderators of district meetings.
10. Of district moderator for the time being.
11. Of district clerk for the time being.
12. Of duty of district clerks.

SECTION

- 13 and 14. Of notice of district meetings for election of representatives to congress, &c. — and of service of warrant for same.
15. Elective meetings for election of certain officers in Providence and Newport, and in other towns where vote taken by ballot, to be kept open during whole time of voting.
16. Elective meetings for certain elections, at what time of day to be opened.
- 17 and 18. At what hour to be closed.
19. Ward meetings for certain elections in Providence and Newport, when to be closed.
20. District meetings for certain elections, at what hour to be opened and closed.

SECTION 1. Town meetings for purposes of election shall be warned and organized as is, or may be, provided by law for the warning and organization of town meetings for other purposes, unless

Town meetings for elections, how warned and organized.

otherwise specially directed, and shall be held at the times by law appointed.

Ward meetings for, how warned and organized.

SEC. 2. Ward meetings in cities for like purposes, shall be warned and organized as is, or may be, by law, or the charters of such cities, provided, and shall be held at the times by law appointed; and the city clerk of the city of Providence shall in the warrant calling such meetings, state the time of the rising and setting of the sun on the days of such meetings.

District meetings, when and where held.

SEC. 3. District meetings in towns which are, or may be divided into districts for purposes of election, shall be held within the respective districts by the electors thereof, at the times by law appointed, and at places designated by the vote of the district meeting, and the moderator and clerk, when present, shall constitute a quorum of electors for the opening of the polls for voting for civil officers, except for moderator and clerk.

Of district meeting on first Wednesday in April.

SEC. 4. A meeting of the electors of every such district shall be annually held on the first Wednesday in April, at nine o'clock in the forenoon, at a place to be designated by the town council, if none be designated by a former district meeting, for the purpose of organization, and of voting for such officers as are to be chosen on that day.

Of notice of time, place, and purpose of first meeting of new district.

SEC. 5. At the first meeting of any such newly formed district, the town clerk shall cause notice of the time, place, and purpose of such meeting to be given, by issuing his warrant to the town sergeant or one of the constables of said town, requiring him to post up notifications thereof, in two or more public places in each of said districts.

Who to preside at such meeting.

SEC. 6. At such first meeting, some member of the town council or other person to be designated by the town council, shall attend the meeting on that day in each of said districts, and act as moderator until the meeting shall choose a moderator.

Officers.

SEC. 7. The officers of said districts shall be a moderator and district clerk.

When elected, and how qualified.

SEC. 8. They shall be chosen on the first Wednesday of April, annually; and shall be sworn to the faithful and impartial discharge of the duties of their offices, and to support the constitution and laws of this state and the constitution of the United States.

Of duty and power of moderators.

SEC. 9. The moderators shall preside in all meetings of their districts until a new election; and shall have the same authority to preserve order in said meetings as moderators of town meetings have; and shall be subject to the same penalties for wilful violation or neglect of duty.

Moderator for the time being.

SEC. 10. Should the moderator not attend any meeting, the clerk shall preside until a moderator for the time being shall be chosen.

Clerk for the time being.

SEC. 11. Should the clerk not attend any meeting, the moderator shall call for an election of clerk for the time being, and shall discharge the duties of clerk until such election.

Of duty of district clerks.

SEC. 12. The clerks shall keep a record of the proceedings of the meetings in their several districts, and after a choice of officers in their several districts, shall, in writing duly certified, notify the town clerk thereof, and the meeting held on said first Wednesday in April shall fix upon the place of their future meetings; and the district clerks shall severally give notice to the town clerk, of the place so appointed.

Of notice of district meetings for election of representatives to congress, &c.

SEC. 13. After the first meeting of the electors of a newly formed district, whenever any election for representatives to congress, electors of president and vice-president, general officers, town clerk, town council, justices of the peace, town treasurer, and for senators and

representatives to the general assembly, shall be prescribed by law, the town clerk shall cause notice to be given to the voters in each of the districts of the said towns divided into districts, or which may hereafter be divided into districts, as aforesaid, by issuing his warrant to the town sergeant, or one of the constables of the said town, directing him to post up notifications of the time, place, and purpose of such meetings, in two or more public places in each of said districts, at least seven days previous to the time appointed therefor.

SEC. 14. The officer charged with the service of said warrant shall return to the district clerks severally, a certificate of his doings upon said warrant in each district, previous to said meeting.

Of service of warrant for same.

SEC. 15. In the election of general officers, representatives to congress, and electors of president and vice-president of the United States, and of city officers of the cities of Providence and Newport, and when the vote is taken by ballot in the election of senators and representatives to the general assembly, the town meetings of the several towns, and the ward meetings in the cities of Providence and Newport, shall be kept open for voting during the whole time of voting for the day.

Of keeping open certain meetings during whole time of voting.

SEC. 16. All town meetings and ward meetings for the election of general officers, senators, and representatives to the general assembly, representatives to congress, and electors of president and vice-president of the United States, and for the election of city officers of the cities of Providence and Newport, shall be opened at ten o'clock, in the forenoon, on the day of election, except that in said city of Providence said meeting shall be opened at sunrise.

Elective meetings for certain elections, when to be opened.

SEC. 17. All town meetings for such elections, except in case of the election of senators and representatives to the general assembly where the vote is not taken by ballot, in any town having five hundred electors or upward, shall be kept open at least until five o'clock, in the afternoon, on said day.

When to be closed.

SEC. 18. All town meetings for such elections in towns having less than five hundred electors shall be kept open at least until three o'clock, in the afternoon, on said day.

Same subject.

SEC. 19. Ward meetings in the city of Newport shall be kept open in all such elections until eight o'clock, in the evening, and in the city of Providence until sunset, and no longer.

Ward meetings in Newport and Providence, when.

SEC. 20. All district meetings holden for such elections shall be opened at nine o'clock, in the forenoon, and be kept open at least until three o'clock, in the afternoon.

District meetings, &c., when.

CHAPTER 9.

OF THE MANNER OF CONDUCTING ELECTIONS.

SECTION

1. What votes to be received, and what rejected, by moderators and wardens; and of certificate voters in wards and districts.
2. Of return of certificates.
3. Penalty for refusal by ward or district clerk to give certificates.

SECTION

4. Penalty on moderator or warden for fraudulently receiving or rejecting votes.
5. Ballot-boxes, how furnished, &c.
6. Of form and manner of using ballot-boxes.

SECTION

- 7, 8, and 9. Envelopes, what, and how furnished.
10. Names of candidates in certain cases to be placed on one ballot, and when to be numbered.
11. Ballots, when may be enclosed in envelopes, and how many in one envelope.
- 12 and 13. Vote, how given, announced, and checked.
14. Of counting envelopes and votes, announcing result, and giving certificates of election.
- 15 and 16. Of votes in envelopes, when to be rejected.
17. Of reopening polls in towns not divided into wards or voting districts.
18. Of the adjournment of meetings held to elect senators or representatives in cities other than Providence, and in towns divided into voting districts.
19. Of return of votes in cities, and towns divided into voting districts.
20. Of counting ballots and announce-

SECTION

- ing result, in cities and such towns.
21. Of new elections in the city of Providence, in case of no choice.
22. Of new elections in other cities, and in towns divided into voting districts, in case of no choice.
23. Of certificates of elections in cities and such towns.
24. Of sealing up, certifying, and returning votes in elections of general officers, &c., and of electors of president and vice-president.
25. Penalty for neglect, &c., to seal, direct, and return votes.
26. Penalty upon town clerk, for refusal of certificate to member elect of general assembly.
27. Of new election of member of general assembly, in case of refusal to serve, death, or resignation.
28. Penalty on town clerk, for not issuing warrant for such new election.

What votes to be received, and what rejected, by moderators and wardens.

SECTION 1. The moderator or warden of any town, ward, or district meeting shall receive the votes of all persons whose names are upon the list of voters, certified and delivered to him by the town clerk, and shall reject the votes of all persons claiming to vote, whose names are not on said list: *Provided*, that if any voter whose name is upon any ward list in the cities of Providence or Newport, or upon any district list in any town, shall have removed to another ward or district, after the making out of the ward or district list, or if the name of any voter shall have been placed upon the wrong ward or district list, every such voter shall be admitted to vote in the ward or district in which he resides, upon producing the certificate of the town clerk, that his name is upon another ward or district list, duly prepared for the election at which he claims to vote.

Of return of certificates.

SEC. 2. Such certificate shall, with the votes, be returned by the several ward and district clerks, to the officer or body by law provided to receive the votes.

Penalty for refusal to give certificates.

SEC. 3. If any ward or district clerk shall refuse to give such certificate to any person entitled to and demanding the same, or shall wilfully give a false one, he shall be fined one hundred dollars.

Penalty for fraudulently receiving, &c., votes.

SEC. 4. If any moderator, warden, or person whose duty it is to receive votes shall fraudulently receive any unlawful vote, or shall fraudulently reject the vote of any voter whose name is on the town, ward, or district lists, he shall be fined one hundred dollars for every offence, and be ever after disqualified from voting.

Ballot-boxes, how furnished, &c.

SEC. 5. The town clerks of the several towns shall, at the town's expense, furnish a sufficient number of ballot-boxes for each town, ward, and district of their respective towns, for the purpose of balloting, and shall see that they are kept in proper condition.

SEC. 6. Said ballot-boxes shall have a sufficient opening on the top to receive the ballots, and shall, in open town meeting, and before the balloting has commenced, be opened and exhibited to all present; after which they shall be kept closed and locked, and shall not by the moderator or warden, or any other person whatever, upon any pretext whatever, be opened until the balloting be completed, and shall be in charge of the moderators and wardens only.

Of form and manner of using ballot-boxes.

SEC. 7. The secretary of state shall provide a sufficient quantity of self-sealing envelopes of uniform appearance, and of suitable size and quality, bearing as a device, the arms of the state stamped on the outside thereof, for use in the election of general officers, representatives to congress, and of electors of president and vice-president of the United States.

Envelopes, what.

SEC. 8. He shall keep constantly on hand a sufficient supply thereof, for all the voters of the state at such elections, and shall furnish the same to the town clerks whenever they shall apply therefor.

How furnished.

SEC. 9. The town clerks of the several towns shall procure from the secretary of state, at the expense of their respective towns, a sufficient quantity of such envelopes for use at the elections last named, and for other elections elsewhere, and shall see that said envelopes are at the town, ward, or district meetings, at the opening thereof, on election days; and the moderators or wardens shall return to the town clerks all such envelopes as may remain at the close of such meetings.

Same subject.

SEC. 10. The names of the persons voted for as governor, lieutenant-governor, secretary of state, attorney-general, and general treasurer shall be placed upon one ticket; and if senators or representatives to the general assembly be voted for by ballot, the names of the candidates for said offices in any town, voted for by any one elector, shall be written or printed upon one ticket; and the names of the representatives shall be numbered upon the ticket, and in counting them, the places numbered shall be considered separate places.

Names of candidates, when to be placed on one ballot, &c.

SEC. 11. In all elections for general officers, representatives to congress, electors of president and vice-president of the United States, and when the vote is taken by ballot, in the election of senators and representatives to the general assembly, the votes or ballots may be deposited in the ballot-box in an envelope such as aforesaid, or without an envelope, at the option of the voter: *Provided*, that all ballots given by any voter on the same voting day, in said elections, and in all elections, when enclosed in envelopes, shall be enclosed in one and the same envelope.

Ballots, when may be enclosed in envelopes.

SEC. 12. Every voter shall, at the time of voting, announce to the moderator or warden, his name, who shall pronounce the same aloud, and cause it to be checked upon the voting list, before the voter deposits his vote.

Vote, how given, announced, and checked.

SEC. 13. Every voter shall also hold in his hand, and deposit in said ballot-box, the envelope containing his ballot or ballots, or his ballot or ballots without an envelope, in such manner that said moderator and warden can distinctly see that he deposits but one envelope, or one ballot of a kind; and the town, ward, and district clerks shall check each voter's name as he deposits his ballots.

Same subject.

SEC. 14. After the voting in any town, city, ward, or district, for the officers herein mentioned, or any of them, shall be closed, the moderator and town clerk, or the warden and ward clerk, or the

Of counting votes, announcing result, and giving certificates.

moderator and district clerk, shall, in open town, ward, or district meetings, proceed to open the envelopes and count the ballots; and the moderator shall announce the result, and the clerks of the towns not divided into districts shall give certificates to the persons elected.

When votes in envelopes to be rejected.

SEC. 15. If any envelope shall contain more than one vote for the same person, for the same office, or votes for different persons for the same office, either on the same piece of paper, or on different pieces of paper, all such votes shall be rejected, and not counted.

Same subject.

SEC. 16. When any envelope found in any ballot-box bears any impression or device, or color, designed to distinguish such envelope from others of the same kind deposited therein by the voters, it shall be rejected with all its contents.

Of reopening polls in towns not divided into wards, &c.

SEC. 17. If in any case, in a town not divided into wards or voting districts, there shall be no election, the polls may be reopened, and the like proceedings shall be had until an election takes place: *Provided*, that no adjournment or adjournments of an election shall be made to a time exceeding seven days from the first meeting.

Of adjournment of meetings to elect senators and representatives.

SEC. 18. In cities other than the city of Providence, and in towns divided into voting districts, ward and district meetings held therein respectively for the election of senator and representatives, or of any one or more of them, shall, at the time of closing the polls therein prescribed by law, stand adjourned to the third day next from and after the day so appointed, unless the said third day shall fall on Sunday, or on a holiday, and in that event, to the Monday, or the day following said holiday, with like adjournment therefrom, but no adjournment or adjournments shall exceed seven days from the first meeting.

Of return of votes in cities, and towns divided into voting districts.

SEC. 19. In cities, and in towns which are divided into districts for voting, after the examination of the ballots, the wardens and clerks, and the moderators and district clerks, shall forthwith seal and deliver to the city clerk or town clerk, all the ballots other than those given for general officers, with a certificate of the number of ballots, and for what officers they have been given.

Of counting ballots and announcing result.

SEC. 20. The mayor and aldermen, or the town councils, as the case may be, shall proceed, within two days next after the election, to count the ballots, in the same manner as is prescribed in section fourteen of this chapter, for the counting of votes by the moderators and clerks of town and ward meetings, and shall forthwith declare the result.

Of new election in Providence, in case of no choice.

SEC. 21. If no election shall have been made of senator and representatives to the general assembly, or of any one or more of them in the city of Providence, upon the day appointed by law for any election, the mayor and aldermen, or town council, as the case may be, shall order a new election, to be held not more than ten days from the day of the first election, and so on until the election shall be completed.

Of new election in other cities, and in towns divided into voting districts, in case of no choice.

SEC. 22. If no election shall have been made of senator and representatives to the general assembly, or of any one or more of them, in any city other than the city of Providence, or in any town divided into voting districts, upon the day appointed by law for such election, the mayor of such city, or the president of the town council of such town, shall, immediately after the announcement of the result as above provided, issue a warrant to the warden of each ward in such city, or the moderator of each voting district in such town, which shall be served on the same day by the town sergeant or town con-

stable, announcing therein the result, and directing the election to proceed on the day of adjournment; and if, upon that day, there shall be no election of such officers, or of any one or more of them, like proceedings shall in all respects be had, and the election shall proceed on the day of the next adjournment. If an election of all such officers be had on the day appointed by law therefor, or on the day of adjournment, the mayor, or president of the town council, as the case may be, shall issue his warrants to the several wardens or moderators, as in case of no election, announcing therein the fact that the election is complete, whereupon the said adjourned ward or district meeting shall not be held.

SEC. 23. Certificates of election shall be furnished by the city or town clerks to persons chosen.

Of certificates of election.

SEC. 24. The moderators and clerks of the towns and districts, and the wardens and ward clerks of the cities, shall, after having counted the ballots as provided in section fourteen of this chapter, seal up in open meeting, the ballots for general officers, representatives to congress, and electors of president and vice-president of the United States, and shall certify that the ballots by them sealed up are the ballots given in at such election, the number of votes given for each of the candidates, and that the number of ballots does not exceed the number of electors voting at such election; and shall deliver or send such ballots so sealed up and certified, to the secretary of state, except the ballots for electors of president and vice-president, which shall be delivered or sent to the governor.

Of sealing up, certifying, and returning votes.

SEC. 25. Every moderator, warden, or town, ward, or district clerk, who shall neglect to seal up and direct the votes, or to send the same, as hereinbefore or by the constitution provided, or who shall knowingly seal up, direct, and send a part only of the votes, shall be fined not less than one hundred dollars, nor more than three thousand dollars, or be imprisoned not more than three years, either or both, at the discretion of the court who shall try such offender.

Penalty for neglect, &c., to seal, direct, and return votes.

SEC. 26. If any town clerk shall neglect or refuse to furnish any member of the senate or house of representatives elect with a proper certificate of his election, as soon as may be after his election, he shall be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned not exceeding six months, either or both, at the discretion of the court trying such offender.

Penalty on town clerk refusing certificate to member of general assembly.

SEC. 27. If any person elected senator or representative shall, at any time between his election and the expiration of his term, refuse to serve, and shall declare the same to the town clerk of the town for which he is elected, or shall die, resign, or remove out of the state, the town clerk shall forthwith issue his warrant for an election to fill such vacancy, unless a special election for that purpose shall be ordered by the house in which the vacancy may occur.

Of new election of member of general assembly.

SEC. 28. Every town clerk refusing or neglecting to issue his warrant, as provided in section twenty-seven of this chapter, shall be fined five hundred dollars.

Penalty for not issuing warrant.

CHAPTER 10.

OF THE ELECTION OF REPRESENTATIVES IN CONGRESS.

SECTION

1. Of election districts for, and who voters in.
2. First district, of what towns composed. Second district, of what towns composed.
3. Representatives in congress, when chosen.
4. Elections of, how conducted.
5. Votes in, how returned, counted,

SECTION

- declared, and of certificates of members elect.
6. Of new elections, in case no choice, and plurality to elect.
7. Of special elections of representatives in congress — plurality to elect, and votes in, how sealed up, directed and returned.
8. Votes in, how counted, and by whom certificate given.

Of election districts for, and who voters in.

SECTION 1. The state shall be divided into two districts for the election of representatives to the congress of the United States, to be called the first district and the second district; and the qualified electors residing in each of said districts shall be entitled, and at the times and places, and in the manner hereinafter provided, to elect a representative to the congress of the United States, for the district in which they reside.

First district, of what towns composed.

SEC. 2. The first district shall consist and be composed of the territory embraced within the following towns, to wit: Newport, Providence, Barrington, Portsmouth, Middletown, Bristol, Tiverton, Little Compton, Warren, East Providence, Pawtucket, New Shoreham, and Jamestown. The second district shall consist and be composed of the territory embraced within the following towns, to wit: Warwick, Westerly, North Kingstown, South Kingstown, East Greenwich, North Providence, Scituate, Gloucester, Charlestown, West Greenwich, Coventry, Exeter, Richmond, Cranston, Hopkinton, Johnston, Foster, Burrillville, Smithfield, North Smithfield, Lincoln, Woonsocket, and Cumberland.

Second district, of what towns composed.

SEC. 3. The election of representatives in congress shall be holden on the Tuesday next after the first Monday in November, A. D. eighteen hundred and seventy-two, and on the Tuesday next after the first Monday in November, in every second year thereafter.

Representatives in congress, when chosen.

SEC. 4. Such elections shall be conducted in the same manner, and under the like restrictions and regulations, as are or shall be provided by law, in respect to the election of general officers.

Elections of, how conducted.

SEC. 5. The votes given at such elections shall be returned to the general assembly at its session next ensuing such election; and those given in each district shall be separately counted; and the candidate having a majority of legal votes therein shall be declared elected, and shall be furnished by the governor with a proper certificate thereof.

Votes in, how counted, &c.

SEC. 6. If no person have such majority, the general assembly shall order a new election at such time as they shall deem most expedient; and the votes given at such election shall be returned to, examined and counted by, the general assembly, or by the governor, at such time as the general assembly shall direct; and the candidate in each district, having a plurality of the legal votes given at such second election, shall be declared elected, and shall receive a certificate accordingly.

Certificate of election.

Of new elections in case no choice.

Plurality to elect.

SEC. 7. Whenever a writ of election shall issue to supply any vacancy which shall happen in the representation of this state in congress, as contemplated in the second section, of the first article, of the constitution of the United States, the candidate having a plurality of the legal votes given at such election shall be declared elected, and the votes shall be sealed up and certified as the ballots for general officers of the state are by law required to be, and shall, within ten days after such election, be returned to the governor.

Of special elections.

Plurality to elect; votes, how returned, &c.

SEC. 8. The governor, in the presence of the secretary of state, shall examine and count the same, and give a certificate to the person elected.

Votes in, how counted. Certificate.

CHAPTER 11.

OF THE ELECTION OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

SECTION

1. Who to vote for such electors, and how many to be chosen.
2. Election of, when to be holden.
3. Votes in, how to be sealed up, certified, and returned.
4. Votes in, how counted, and elec-

SECTION

- tors how notified of their election.
5. If no election of any, how general assembly convened for choice of.
6. Electors chosen, where to meet and vote.
7. Vacancies in number of, how filled.

SECTION 1. The people of this state qualified by law to vote in the election of general officers, shall choose so many electors for the election of a president and vice-president of the United States as the state is or shall be entitled to.

Who to vote for, and how many to be chosen.

SEC. 2. Such election shall be holden in the several towns on the Tuesday next after the first Monday in November, in every fourth year next after the election of president and vice-president of the United States which was had in the year one thousand eight hundred and fifty-six; and the several candidates having a plurality of the legal votes given in at such election shall be electors.

Election of, when to be holden.

SEC. 3. The votes given in at such elections shall be sealed up and certified as votes for general state officers are by law required to be, and shall, within ten days after such election, be returned to the governor.

Votes in, how sealed up, certified, and returned.

SEC. 4. The governor, in the presence of the secretary of state, shall examine and count the same, and give notice to the electors of their election.

How counted; notice to electors.

SEC. 5. If, by reason of the votes being equally divided among any of the candidates, or otherwise, there shall not be an election of the number of electors to which the state may be entitled, the governor shall forthwith convene the general assembly at Providence, for the choice of electors to fill such vacancy by an election in grand committee.

If no election, general assembly convened for choice of.

SEC. 6. Electors, chosen pursuant to this chapter, shall meet at Bristol, in the county of Bristol, there to vote for a president and vice-president of the United States, agreeably to the act of congress.

Electors, where to meet and vote.

SEC. 7. If any electors, chosen as aforesaid, shall, after their said election, decline the said office, or be prevented by any cause from

Vacancies, how filled.

serving therein, the other electors, when met in Bristol in pursuance of this chapter, shall fill such vacancies, and shall file a certificate in the secretary's office, of the person or persons by them appointed.

CHAPTER 12.

GENERAL PROVISIONS CONCERNING ELECTIONS.

SECTION

1. Of exemption of voters from arrest, when, and on what days.
2. Penalty for fraudulent voting.

Of exemption of voters from arrest, when.

SECTION 1. All persons entitled to vote shall be protected from arrest in civil cases, on the days of election for the choice of city or town officers, and the election for state officers, representatives to congress, or the electors of president and vice-president of the United States; and on the day preceding and day following such election.

Penalty for fraudulent voting.

SEC. 2. If any person in any election shall fraudulently vote, not being qualified; or having voted in one town, or ward, or district, shall vote in another town, or ward, or district; or shall vote twice at the same election for the same candidate; or for different candidates for the same office; or twice in different places at the same election; he shall be fined one hundred dollars; and no person, after conviction of such offence, shall ever after be permitted to exercise the privilege of voting for any civil or military officer.

Penalty for bribing voters.

SEC. 3. If any person shall directly or indirectly give, or offer, or agree to give to any elector, or to any person for the benefit of any elector, any sum of money or other valuable consideration, for the purpose of inducing such elector to give in or withhold his vote at any election in this state, or by way of reward for having voted or withheld his vote, or if he shall use any threat, or employ any means of intimidation, for the purpose of influencing such elector to vote or withhold his vote, such person so offending shall be fined the sum of five hundred dollars, or be imprisoned not exceeding three months, either or both, at the discretion of the court; and no person convicted of such offence shall ever thereafter be permitted to exercise the privilege of voting for any civil or military officer, and no evidence given by any witness testifying upon the trial of any charge of bribery shall be used against the party giving such evidence.

Limitation of prosecutions.

SEC. 4. All offences against the provision of this chapter shall be prosecuted within one year after the same shall have been incurred, and not afterwards.

TITLE III.

OF CERTAIN STATE OFFICERS.

CHAPTER 13. Of the governor.

CHAPTER 14. Of the secretary of state.

CHAPTER 15. Of the attorney-general.

CHAPTER 16. Of notaries public and commissioners.

CHAPTER 13.

OF THE GOVERNOR.

SECTION

1. Petitions for pardon.
2. Persons pardoned, to comply with conditions imposed.
3. Reward for apprehension of criminals.

SECTION

4. Thanksgiving, governor may appoint.
5. Governor may draw orders on the general treasurer.

SECTION 1. Petitions for pardon, under article second of the amendments to the constitution, shall be presented to the governor, and the petitioners shall comply with such rules and regulations, respecting the filing and hearing of the same, as he may, from time to time, prescribe.

Petitions for pardon.

SEC. 2. In the exercise of the power of pardon, the persons who receive the benefit of such pardon shall comply with, and be subject to, such terms and conditions as may be imposed by the governor, at the time of the exercise of such power.

Persons pardoned, to comply with conditions imposed.

SEC. 3. Whenever any murder, attempt at murder, robbery, or any other high crime shall be committed in the state, and the perpetrator thereof shall escape detection, or shall escape from custody or imprisonment, either before or after conviction, the governor may issue his proclamation offering a suitable reward, not exceeding one thousand dollars, for the apprehension of the offender.

Reward for apprehension of criminals.

SEC. 4. The governor shall annually appoint a day of public thanksgiving, and shall announce the same, by proclamation, to the people of the state.

Thanksgiving.

SEC. 5. He may draw orders upon the general treasurer for the payment of any particular services of a public nature, to the amount of twenty dollars at any one time.

Governor may draw orders on general treasurer.

CHAPTER 14.

OF THE SECRETARY OF STATE.

SECTION

1. Secretary to be keeper of the seal of the state.
2. Acts and resolves to be kept in the office of the secretary.
3. Secretary to affix the seal, and give certified copies of papers.
4. To issue no commission to any officer holding or controlling public moneys, until he has given the bond required by law.
5. To contract for the public printing.
6. Same subject.
7. Record of proceedings of the general assembly.
8. Official letters to be filed.

SECTION

9. Secretary to report list of commissions returned.
10. To transmit to state auditor copies of all acts or resolutions, making appropriations from state treasury.
11. To furnish forms of election returns.
12. To certify default in the return of votes.
13. To subscribe for the Rhode Island Reports, and distribute the same.
14. He may appoint an assistant.
15. He may appoint a deputy.
16. Duties of deputy; secretary liable for his neglects.
17. Other duties of the secretary.

Secretary to keep state seal.

Acts and resolves to be kept in his office.

To affix state seal, and give certified copies of papers.

To issue no commission to officer holding, &c., public moneys, until bond given.

To contract for public printing.

Same subject.

Record of proceedings of the general assembly.

SECTION 1. The secretary of state shall be the keeper of the seal of the state.

SEC. 2. He shall keep and preserve in his office all acts and resolves passed by the general assembly, and all original papers relating to the proceedings thereof.

SEC. 3. He shall affix the seal of the state to acts, commissions, certificates, and other papers in his office, in all cases required by law; and shall give copies, duly authenticated, of any official paper, whenever required and paid therefor.

SEC. 4. He shall not issue a commission to the state auditor, the clerk of any court, the sheriff of any county, or to any other officer holding or controlling the public moneys, until the bond required by law of such officer has been executed, approved, and lodged with the officer required to receive the same, the certificate of such officer, other than the secretary of state himself, being evidence of the fact.

SEC. 5. He shall, from time to time as he shall deem proper, contract for the printing of all acts and resolves, digests, reports, records, and other documents, which shall by general law, or by the general assembly, or by either house thereof, be required to be printed at the expense of the state.

SEC. 6. Before making any such contract, he shall decide upon the style of printing and binding, and the quality of paper to be used for the acts and resolves, digests, reports, records, and documents referred to, and shall advertise for sealed proposals for the same. He shall then make the contract with the person or persons who shall agree to perform the work required on the lowest terms, and in the most prompt and satisfactory manner; and who shall give satisfactory security for the performance of the contract.

SEC. 7. He shall, immediately after the acts, resolves, and other proceedings of each session of the general assembly are printed as required by law, carefully examine at least six printed copies thereof, and shall certify and authenticate the same under his hand and the

seal of the state, and when so certified and authenticated, the same shall be the record of the acts, resolves, and proceedings of such session, and the secretary shall keep and preserve the same in his office, and shall from time to time cause the same to be bound, for more convenient use.

SEC. 8. He shall keep a copy of all official letters sent by him, and shall preserve in book form all public letters received by him.

Official letters to be filed.

SEC. 9. He shall, at the May session, annually, furnish the general assembly with a list of all civil commissions returned to him ; and with the names of all justices of the peace, who refused or neglected to take their commissions.

To report list of commissions returned.

SEC. 10. He shall, immediately after the passage of any act or resolution by the general assembly making an appropriation out of the state treasury, transmit a copy of the same to the state auditor.

To transmit to auditor acts, &c., making appropriations.

SEC. 11. He shall, at least ten days previous to the day of election of general officers, representatives to congress, or electors of president and vice-president of the United States, furnish each town or ward clerk with printed forms of returns, certificates, and directions, together with any advice he may deem necessary to secure proper returns.

To furnish forms of election returns.

SEC. 12. He shall, within thirty days after any default in the return of votes, certify the same to the attorney-general, and his certificate shall be *prima facie* evidence of such default, and the attorney-general shall prosecute every person guilty thereof.

To certify default in return of votes.

SEC. 13. He shall subscribe for and take, for the use of the state, three hundred copies of each number or volume, of the Rhode Island Reports which may be published, and shall distribute the same as follows : three copies to the librarian of the congressional library for the use of the United States ; one copy to the secretary of each of the states and territories of the United States for the use of the states and territories ; one copy to each of the justices of the supreme court ; one copy to the judge of the supreme court of the United States assigned to the first circuit ; one copy to the judge of the circuit court of the United States for the first circuit ; one copy to the district judge of the United States for the Rhode Island district, — said justices and judges as newly appointed in succession, to receive all back numbers and volumes of reports so far as the secretary can supply them ; three copies to each of the clerks of the courts of this state and of the courts of the United States held in this district ; one copy to the governor ; one copy to the lieutenant-governor ; one copy to the attorney-general ; one copy to the speaker of the house of representatives of this state ; one copy to each of the sheriffs of this state ; one copy to the marshal of the United States for this district ; one copy to each of the town clerks of this state, — said copies to said clerks of courts, sheriffs, marshal, and town clerks, to be kept as appendages to their said offices ; ten copies to be kept in the State Library in the state house in Providence ; and ten copies to be kept by the clerk of the supreme court in the state house at Newport, for the use of the general assembly ; two copies to the State Law Library ; one copy to the library of Brown University ; one copy to the Redwood Library, Newport ; one copy to the Providence Athenæum ; one copy to the Rhode Island Historical Society ; and one copy to the People's Library in Newport.

To subscribe for and distribute Rhode Island Reports.

SEC. 14. He may appoint an assistant, to aid him in discharging the duties of his office.

May appoint assistant.

SEC. 15. He may, by writing, appoint a deputy under him, who shall be engaged for the faithful discharge of the duties of his office.

May appoint a deputy.

Duties of deputy.

Secretary liable for his neglects.

Other duties of secretary.

SEC. 16. Such deputy may, in the absence of the secretary of state, do all things by law required of the secretary, as fully as the secretary himself might or could do; and the secretary shall be responsible and liable for any misconduct, neglect, or default of such deputy.

SEC. 17. The secretary of state shall perform such other duties as are, or may be required of him, by law.

CHAPTER 15.

OF THE ATTORNEY-GENERAL.

SECTION

1. Attorney-general to attend the general assembly and courts.

SECTION

2. Duties of the attorney-general.
3. Same subject.

Attorney-general to attend the general assembly and courts.

SECTION 1. The attorney-general shall give his attendance at the general assembly, and at the supreme court, and court of common pleas, for the service thereof; and shall give unto such courts due advice and information, concerning any criminal matters, breaches of the peace, or wrong done to the state, or any of the citizens thereof, that shall come to his knowledge.

Duties of the attorney-general.

SEC. 2. He shall draw and present to such courts all informations and indictments, or other legal process, against any offenders, as by law is required, and diligently, by a due course of law, prosecute the same to final judgment and execution.

Same subject.

SEC. 3. He shall commence and prosecute to final judgment and execution, such other legal processes, and shall perform such other duties as are, or may be required of him, by law.

CHAPTER 16.

OF NOTARIES PUBLIC AND COMMISSIONERS.

SECTION

1. Powers of public notaries.
2. Commissioners in other states, how appointed.

SECTION

3. Oath, how administered; certificate of oath to be filed.
4. Powers of commissioners.
5. Effect of certificate.

Notaries Public.

Powers of notaries public.

SECTION 1. Notaries public may, within this state, act, transact, do and finish all matters and things relating to protests and protesting bills of exchange and promissory notes, and all other matters within their office required by law; take depositions as prescribed by law, and acknowledgments of deeds and other instruments.

Commissioners.

SEC. 2. The governor may appoint, in any foreign country, and in each of the United States, and in any territory of the United States, one or more commissioners, under the seal of this state, to continue in office for the period of five years. Commissioners in other states, how appointed.

SEC. 3. Before any commissioner shall perform any duty of his office, he shall take and subscribe an oath before any justice of the peace, or other officer authorized to administer oaths in the state, country, or territory for which such commissioner is appointed, that he will faithfully discharge all the duties of his office; a certificate of which shall be filed in the office of the secretary of state of this state within six months after the taking of the same. Oath, how administered; certificate of oath to be filed.

SEC. 4. Such commissioners shall have power to administer oaths, and to take depositions and affidavits to be used in this state; and also to take the acknowledgment of any deed or other instrument to be used or recorded in this state. Powers of commissioners.

SEC. 5. All oaths administered by such commissioners, and all affidavits and depositions taken by them, and all acknowledgments aforesaid certified by them, shall be as effectual in law, to all intents and purposes, as if certified by any judge, justice of the peace, or notary public, within this state. Effect of certificate.

TITLE IV.

OF LEGISLATIVE PROCEEDINGS AND OF STATUTES.

CHAPTER 17. Of the constitution and organization of the general assembly.

CHAPTER 18. Of petitions to the general assembly.

CHAPTER 19. Of the enactment, publication, and distribution of the public laws.

CHAPTER 20. Of certain civil officers elected by the general assembly.

CHAPTER 21. Of the tenure of office, and of the qualifications of certain officers; of oaths, and by whom administered.

CHAPTER 22. Of the construction of statutes.

CHAPTER 17.

OF THE CONSTITUTION AND ORGANIZATION OF THE GENERAL ASSEMBLY.

SECTION

1. Senate, how constituted.
2. House of representatives, how constituted, and ratio of representation.

SECTION

3. Number of representatives, and number from each town.
4. Senate and house, how organized.

SECTION

5. Presiding officer at the organization of the house.
6. Senate to unite with the house; receive and count votes for general officers.
7. Attendance of senators and representatives, how compelled.

SECTION

8. Senators and representatives not present at first meeting, to take oath of office before acting.
9. Vacancies in either house during the session, how filled.
10. Form of engagement to be taken by senators and representatives.

Senate, how constituted.

House of representatives, how constituted, and ratio of representation.

Number of representatives, and number from each town.

Senate and house, how organized.

Presiding officer at organization of house.

Senate to unite with house, count votes, &c.

Attendance of members, how compelled.

Members to take oath before acting.

SECTION 1. The senate shall consist of the lieutenant-governor, and of one senator from each town in the state.

SEC. 2. The house of representatives shall consist of one representative for every two thousand seven hundred and ninety-four inhabitants of every town, and one additional representative for every fraction of the inhabitants of every town, exceeding one half of the ratio aforesaid; but each town shall be entitled to at least one representative; and no town shall be entitled to more than twelve representatives.

SEC. 3. The house of representatives shall consist of seventy-two members: the several towns shall send to the general assembly the following number of representatives, that is to say: Newport, four; Providence, twelve; Portsmouth, one; Warwick, four; Westerly, two; New Shoreham, one; North Kingstown, one; South Kingstown, two; East Greenwich, one; Jamestown, one; Smithfield, one; Scituate, one; Gloucester, one; Charlestown, one; West Greenwich, one; Coventry, two; Exeter, one; Middletown, one; Bristol, two; Tiverton, one; Little Compton, one; Warren, one; Cumberland, one; Richmond, one; Cranston, two; Hopkinton, one; Johnston, two; North Providence, seven; Barrington, one; Foster, one; Burrillville, two; East Providence, one; Pawtucket, two; Woonsocket, four; North Smithfield, one, and Lincoln, three.

SEC. 4. Senators and representatives elect shall, on the last Tuesday in May, in every year, assemble in their respective chambers, present the evidences of their election, and take their engagement of office, before the secretary of state, or the attorney-general, or before some other person authorized by law to administer oaths; and either house, a quorum being present, shall elect its officers; the senate may elect a clerk, and the house of representatives shall annually elect a speaker, a reading and a recording clerk, and the respective houses may fill vacancies in the said offices as they may occur.

SEC. 5. The senior member of the house from Newport, and if there be no member present from Newport, the senior member of the house in continued membership, shall preside at the organization of the house.

SEC. 6. Upon the organization of the two houses, the senate shall unite with the house of representatives in grand committee, for the purpose of receiving and counting the votes for general officers, and of inducting the persons elected into their respective offices.

SEC. 7. The attendance of senators elect, and representatives elect, and of senators and representatives, may be compelled by warrant, for that purpose, under the hand of the presiding officer for the time being of the senate or house of representatives, as the case may be, directed to any sheriff or deputy sheriff, which warrant may be executed by such officer in any county.

SEC. 8. Senators and representatives not present at the first meeting of the respective houses, shall, after presenting the evidence of

their election, take the engagement of office before they shall act in their respective offices.

SEC. 9. If any vacancy shall happen in either house, during any session of the general assembly, the house in which it occurs may order a new election, and appoint such time therefor, and give such notice thereof, as it may deem proper.

Vacancies during session, how filled.

SEC. 10. The following shall be the form of engagement to be taken by the senators and representatives: — You being chosen to the place of _____ in the general assembly, do solemnly swear (or affirm) that you will be true and faithful to this State of Rhode Island and Providence Plantations; that you will support the constitution of the United States, and the constitution and laws of this State, and that you will faithfully and impartially discharge the duties of your aforesaid office, to the best of your abilities, according to law. So help you God: (or, this affirmation you make and give upon peril of the penalty of perjury.)

Form of engagement to be taken by senators and representatives.

CHAPTER 18.

OF PETITIONS TO THE GENERAL ASSEMBLY.

SECTION

1. Notice of petitions affecting individuals or towns, how given.

SECTION

2. Notice of a bill to create a corporation, how and when to be given.

SECTION 1. Whenever any petition presented to either house of the general assembly shall affect the right or interest of any person other than the petitioner, such petition shall be continued to such time as may be ordered by the house in which it is presented, and such notice of the pendency of such petition shall be ordered by such house to be served, at the expense of the petitioner, upon the person who shall be interested adversely to the petitioner therein, as to such house shall be deemed reasonable and proper; but if such petitioner shall have served the adverse party with a copy of the said petition for thirty days before the commencement of the session of the general assembly, at which the same is presented, with a notice of his intention to present the said petition, and it shall be made to appear to the general assembly that such notice was reasonable and proper, and was properly given, such petition may be considered whenever it is presented; but no petition affecting the interest of any town shall be proceeded with at the session at which it shall be presented, unless notice of the same, in manner hereinbefore set forth, shall have been served upon the town council, in open meeting, sixty days prior to the presentation of the petition.

Notice of petitions affecting individuals or towns, how given.

SEC. 2. Whenever any bill shall be presented to either house, to create a corporation for any other than for religious, literary, or charitable purposes, or for a military or fire company, it shall be continued until another election of the members of the general assembly shall have taken place, and notice of the pendency of such bill, of the purpose thereof, and of the place where such corporation is intended to be established, shall be given by the petitioner in some newspaper published in the town or county where such corporation

Notice of a bill to create a corporation, how and when to be given.

is sought to be located ; or, if there be no newspaper published in such town or county, then in some newspaper published in an adjoining town or county, for three weeks successively preceding the first Wednesday of April next after the preferring of such petition.

CHAPTER 19.

OF THE ENACTMENT, PUBLICATION, AND DISTRIBUTION OF THE PUBLIC LAWS.

SECTION

1. Public acts to be numbered as chapters.
2. Laws repealed, how referred to.
3. Original acts and resolves, where to be deposited, and how removable.
4. Copies to be printed.
5. How distributed.
6. Same subject.
7. Copies to be bound and distributed.

SECTION

8. Public laws to be published and distributed.
9. The governor may distribute public documents.
10. Publication of acts and resolves in newspapers.
11. Same subject.
12. Newspapers deposited in the cabinet of the R. I. Hist. Society.
13. United States laws, how distributed.

Public acts to be numbered.

SECTION 1. All acts of a public nature shall be numbered as chapters, continuously in the order of their passage from the number of the last chapter in the general statutes.

Laws repealed, how referred to.

SEC. 2. Every act amending or repealing a public law shall, in its title, refer to such law by the number and name of the chapter containing the law amended or repealed.

Original acts, &c., where to be kept, &c.

SEC. 3. The original acts, resolutions, and other proceedings of the general assembly shall be deposited and be safely kept in the office of the secretary of state, and not be removed therefrom but upon the order of the general assembly, or upon process issued by the supreme court, or a justice thereof.

Copies to be printed.

SEC. 4. The secretary of state shall, immediately after the close of each session of the general assembly, cause to be printed five hundred copies of the proceedings thereof at such session, with a suitable index thereto.

How distributed.

SEC. 5. The secretary of state shall, as soon as may be after the publication of said copies, transmit one copy thereof to each of the following officers, viz. : to the governor, lieutenant-governor, justices of the supreme court, each member of the general assembly, to the library of Brown University, Redwood Library, Providence Athenæum, to any other incorporated library in the state that may apply therefor, to the Social Law Library in Boston, to the libraries connected with the law schools at Cambridge in Massachusetts, at New York, and in Albany in the state of New York, at New Haven in the state of Connecticut, to the Bar Library in the city of Chicago, and three copies thereof to the Rhode Island Historical Society.

Same subject.

SEC. 6. The secretary of state shall in like manner transmit one of said copies of the proceedings of the general assembly each, to the attorney-general, the general treasurer, the state auditor, the commissioner of public schools, to the several town clerks and town

treasurers, to the several clerks of the senate and house of representatives, to the several clerks of the supreme court and court of common pleas, and to each of the justice courts, to the several sheriffs of counties and their deputies, to the adjutant-general, quartermaster-general, and paymaster-general, and shall keep one copy for himself, which copies shall be by them transmitted to their respective successors in office.

SEC. 7. The secretary of state shall, at the end of every two years, cause copies of the said proceedings of the general assembly for the preceding two years, to be bound into volumes; and shall transmit to the governor, to the general treasurer, to each of the clerks of the house of representatives, to each town clerk, one copy, and to each of the clerks of the supreme court and court of common pleas, and to each of the justice courts, two copies, to be by them transmitted to their respective successors in office, and the secretary shall retain two copies for the use of the senate.

Copies to be bound and distributed.

SEC. 8. The secretary of state shall, once in two years, cause to be published, with proper index thereto, five hundred copies of the public laws that shall have been passed within the previous two years, and shall distribute the same in the manner provided in the fifth and sixth sections of this chapter, with the addition of four copies to the secretary of state of the United States, three copies to the executive department of each of the United States, three copies to the library of congress, one copy to the associate justice of the supreme court of the United States assigned to the first circuit, one copy to the circuit judge of the United States for the first circuit, and one copy to the United States district judge for the district of Rhode Island, and he shall retain the residue in his office for sale at the actual cost price thereof, except as is hereinafter provided.

Public laws to be published and distributed.

SEC. 9. The governor may transmit to the executive departments of the several states, and to the executive departments of the United States, to the senators and representatives in congress, and to the agents of foreign countries in the United States authorized to make exchanges for the same, and to such persons and libraries as he may think proper, copies of all acts, resolutions, reports, and other documents published under the authority of this state, or of any officer thereof.

Governor may distribute public documents.

SEC. 10. Every person who shall seasonably publish, to the satisfaction of the secretary of state, in a daily, semi-weekly, and all other newspapers published by him within this state, all the public acts and resolves, and all proclamations issued by the governor, and who shall annually deliver to the cabinet keeper of the Rhode Island Historical Society for the northern district, a copy half bound of the series of newspapers so published, shall be paid therefor, sixty dollars annually.

Publication of acts and resolves in newspapers.

SEC. 11. Every person who shall publish as aforesaid, said acts, resolves, and proclamations in a daily, semi-weekly, or weekly newspaper, published by him in this state, and shall annually deliver a copy half bound of the series of newspapers so published, to said cabinet keeper of the Rhode Island Historical Society for the northern district, shall annually be paid therefor fifty dollars.

Same subject.

SEC. 12. The newspapers so deposited in the cabinet of the Historical Society shall be the property of the state, and at all proper times shall be open to the inspection of the inhabitants thereof.

Newspapers in cabinet of R. I. Hist. Society.

SEC. 13. The copies of the laws of the United States, which may be transmitted to this state for the use thereof, shall be distributed as

United States laws, how distributed.

follows : to the secretary of state, the attorney-general, general treasurer, the several justices and clerks of the supreme court and courts of common pleas, and the several town clerks, each one copy, to be kept as appendages to their respective offices, and to be transmitted by said officers to their successors in office.

CHAPTER 20.

OF CERTAIN CIVIL OFFICERS ELECTED BY THE GENERAL ASSEMBLY.

SECTION

1. Senators in congress, when chosen.
2. Time and mode of election.
3. Vacancy, how to be filled.
4. Governor to certify election of senators, to president of senate of the United States.

SECTION

5. Vacancy in offices of secretary of state, attorney-general, and general treasurer, how filled.
6. Officers elected annually at the May session in grand committee.

Senators in congress, when chosen.

SECTION 1. Senators in congress shall be chosen at the session of the legislature next preceding the expiration of the time for which any senator was elected to represent said state in congress, and on the second Tuesday after the organization of the general assembly of said year.

Time and mode of election.

SEC. 2. On said second Tuesday after the said organization, each house shall openly, by a *vivâ voce* vote of each member present, name one person for senator in congress from this state ; and the name of the person so voted for who shall have a majority of the whole number of votes cast in each house shall be entered in the journal of each house, by the clerk or secretary thereof ; but if either house shall fail to give such majority to any person on said day, that fact shall be entered in the journal ; at twelve o'clock meridian of the day following that in which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall be read ; and if the same person shall have received a majority of the votes in each house, such person shall be declared duly elected senator to represent said state in the congress of the United States ; but if the same person shall not have received a majority of the votes in each house, or if either house shall have failed to take proceedings as required by this act, the joint assembly, a majority of all the members elected to both houses being present, shall proceed to choose by *vivâ voce* vote of each member present, a person for the purpose aforesaid ; and the person having a majority of the votes of the said joint assembly shall be declared duly elected ; and in case no person shall receive such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and take at least one vote, until a senator shall be elected.

Vacancy, how to be filled.

SEC. 3. Whenever, on the meeting of the legislature of this state, a vacancy shall exist in the representation of this state in the senate of the United States, said legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to

elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a senator for a full term; and if a vacancy shall happen during the session of the legislature, then on the second Tuesday after the legislature shall have been organized and have notice of such vacancy.

SEC. 4. It shall be the duty of the governor of this state to certify the election of senators from this state, under the seal of the state, to the president of the senate of the United States, which certificate shall be countersigned by the secretary of state.

Governor to certify election of senators.

SEC. 5. In case of a vacancy in the office of secretary of state, attorney-general, or general treasurer, occurring when the general assembly is not in session, the governor shall appoint some person to fill the same until a successor elected by the general assembly is qualified to act; and in such case, as also when a vacancy shall occur in either of said offices during a session of the general assembly, the same shall be filled by the general assembly in grand committee.

Vacancy in offices of secretary of state, attorney-general, and general treasurer, how filled.

SEC. 6. The officers hereinafter named shall be elected annually, at the May session of the general assembly, in grand committee, to wit:

Officers elected annually at May session in grand committee.

A state auditor.

An inspector of beef and pork.

An inspector of lime.

An inspector of scythe stones.

An inspector of cables.

A clerk of the supreme court for each county.

A clerk of the court of common pleas for each county.

A sheriff for each county.

As many notaries public for the state, and as many justices of the peace for the several towns, as the grand committee may deem expedient, and such other officers as are now or may be required by law to be elected in grand committee.

CHAPTER 21.

OF THE TENURE OF OFFICE AND OF THE QUALIFICATIONS OF CERTAIN OFFICERS; OF OATHS, AND BY WHOM ADMINISTERED.

SECTION

1. Officers of annual appointment, how long to officiate.
2. Justices of the peace and notaries public, how long to continue to officiate.
3. Same, how long without new oath.
4. Officers, form of engagement of.
5. Officers, to be commissioned.
6. Officers, to deliver to secretary of state certificate of their engagement.

SECTION

7. Justices of the peace and notaries public, ineligible to office if not delivering certificate.
8. Oaths, who may administer throughout the state.
9. Who, within the counties and towns for which they are elected.
10. Who, in matters connected with their offices.

SECTION 1. Every officer annually appointed by the general assembly, except justices of the peace and notaries public, who shall

Officers of annual appointment, how long to officiate.

not be reëlected or continued in office, at the annual general election, may continue to officiate until his successor is qualified to act; and every such officer, except a justice of the peace and notary public, continued in office at said general election to a subsequent session of the general assembly, may continue to officiate after such subsequent session, until his successor is qualified to act.

Justices and notaries, how long to officiate.

SEC. 2. Justices of the peace and notaries public, appointed by the general assembly, and justices of the peace elected by the towns, and not reëlected or continued in office, may continue to officiate for the space of thirty days after the last Tuesday in May in each year.

How long without new oath.

SEC. 3. Every such officer who may be reëlected or continued in office, may continue to officiate for the same length of time, without taking a new engagement.

Officers, form of engagement of.

SEC. 4. Every person, except the justices of the supreme court, elected to office by the general assembly, or by either house thereof, or by any town or town council, or under the provisions of the law in relation to public schools, or appointed to office, civil or military, by the governor, shall, before he shall act therein, take the following engagement, before some person authorized to administer oaths, viz :

I, _____ do solemnly swear (or affirm), that I will faithfully and impartially discharge the duties of the office of _____ according to the best of my abilities, and that I will support the constitution and laws of this state, and the constitution of the United States, so help me God; (or, this affirmation I make and give upon the peril of the penalty of perjury.)

Officers, to be commissioned.

SEC. 5. A commission shall issue to every person elected to office by the general assembly; to every justice of the peace elected by any town, and to every person appointed to office by the governor.

To deliver certificate of engagement to secretary of state.

SEC. 6. Every person so elected or appointed to office shall, within thirty days after the date of his commission, deliver to the secretary of state a certificate that he has been duly engaged thereon, signed by the person before whom such engagement shall have been taken.

Justices and notaries not delivering certificate, ineligible, &c.

SEC. 7. Every justice of the peace and notary public who shall neglect to deliver such certificate within the time above prescribed, shall be ineligible to election or to reëlection to such office, during the next succeeding political year.

Oaths, who may administer throughout the state.

SEC. 8. The following persons may administer oaths, anywhere within the state: the governor, lieutenant-governor, secretary of state, attorney-general, general treasurer, justices of the supreme court, speaker of the house of representatives, commissioners appointed by the state to take acknowledgments of deeds and depositions within this state, notaries public, railroad commissioners, the insurance commissioner, and commissioner of shell fisheries.

Who, within their respective counties and towns.

SEC. 9. The following persons may administer oaths within the respective counties and towns for which they may be elected to office: clerks of courts of record, state senators, justices of the peace, mayors of cities, judges of probate, presidents of town councils, or persons acting as such, town clerks and town wardens.

Who, in matters connected with their offices.

SEC. 10. The following persons may administer oaths in relation to all matters connected with, or in administering the duties of, their respective offices: the school commissioner, foremen of grand juries, members of committees of either house of the general assembly or of joint committees thereof, chairmen of committees of either boards of a city council, members of town councils, auditors, referees, masters in chancery, clerks of school districts, commissioners on insol-

vent estates, inspectors of the state prison, commissioner of the Indian tribe, assessors of taxes, general and field officers, judge advocate general, division judge advocate and brigade judge advocate.

CHAPTER 22.

OF THE CONSTRUCTION OF STATUTES.

SECTION

1. Rules of construction, when to be applied.
2. Genders.
3. Numbers.
4. Authority of public officers.
5. "Person."
6. "Insane person."
7. "United States."
8. "Town," "town councils," "town clerks," "ward clerks," "town sergeants."
9. "Land," "lands," "real estate."
10. "Oath," "sworn," "engaged."
11. "Month," "year."

SECTION

12. Computation of time.
13. "A justice of the peace," "justice court."
14. "Seal."
15. Act of incorporation deemed a public act.
16. Repeal, effect of, in civil cases.
17. Repeal, effect of, in criminal cases.
18. Repeal, not to revive statutes repealed.
19. Statutes, when to take effect.
20. "Magistrate," "written," "in writing," "preceding," "following."

SECTION 1. In the construction of statutes, the provisions of this chapter shall be observed, unless the observance of them would lead to a construction inconsistent with the manifest intent of the general assembly, or be repugnant to some other part of the same statute.

Rules of construction, when to be applied.

SEC. 2. Every word importing the masculine gender only, may be construed to extend to and to include females as well as males.

Genders.

SEC. 3. Every word importing the singular number only, may be construed to extend to and to include the plural number also; and every word importing the plural number only, may be construed to extend to and to embrace the singular number also.

Numbers.

SEC. 4. All words purporting to give a joint authority to three or more officers or persons, shall be construed as giving such authority to a majority of them.

Authority of public officers.

SEC. 5. The word "person" may be construed to extend to and include copartnerships, and bodies corporate and politic.

"Person."

SEC. 6. The words "insane person" shall be construed to include every idiot, *non compos*, lunatic, and distracted person.

"Insane person."

SEC. 7. The words "United States" shall be construed to include the several states and the territories of the United States.

"United States."

SEC. 8. The word "town" may be construed to include city; the words "town councils" boards of aldermen; the words "town clerks" city clerks; the words "ward clerks" to include clerks of election districts; and the words "town sergeants" city sergeants.

"Town," "town councils," "town clerks," "ward clerks," "town sergeants."

SEC. 9. The word "land" or "lands," and the words "real estate," may be construed to include lands, tenements, and hereditaments, and rights thereto and interests therein.

"Land," "lands," "real estate."

SEC. 10. The word "oath" shall be construed to include affirmation; the word "sworn" to include affirmed; and the word "engaged" either sworn or affirmed.

"Oath," "sworn," "engaged."

- "Month," "year."** SEC. 11. The words "month" and "year" shall be construed to mean a calendar month or year.
- Computation of time.** SEC. 12. When time is to be reckoned from any day, date, or act done, or the time of any act done, such day, date, or the day when such act is done, shall not be included in such computation.
- "A justice of the peace," "justice court."** SEC. 13. The words "a justice of the peace" may be construed to include trial justice or warden of the peace, and the words "justice court" to include warden's court.
- "Seal."** SEC. 14. Whenever a seal is required to be affixed to any paper, the word "seal" shall be construed to include an impression of such seal made with or without the use of wax or wafers on the paper.
- Act of incorporation deemed a public act.** SEC. 15. Every act of incorporation shall be so far deemed a public act, as that the same may be declared on and given in evidence, without specially pleading the same.
- Repeal, effect of, in civil cases.** SEC. 16. The repeal of any statute shall in no case affect any act done, or any right accrued, acquired, or established, or any suit or proceeding had or commenced in any civil case, before the time when such repeal shall take effect.
- Repeal, effect of, in criminal cases.** SEC. 17. No suit, prosecution, or indictment, pending at the time of the repeal of any statute for any offence committed, or for the recovery of any fine, forfeiture, or penalty incurred under the statute so repealed, shall in any case be affected by such repeal, but such suit, prosecution, or indictment may be proceeded with, and such act shall be deemed to be in force for the purpose of prosecuting the same to final judgment and execution or sentence, as the case may be.
- Repeal not to revive statutes repealed.** SEC. 18. The repeal of any statute shall not be construed to revive any other statute which has been repealed.
- Statutes, when to take effect.** SEC. 19. Every statute which does not expressly prescribe the time when it shall go into operation, shall take effect on the tenth day next after the rising of the general assembly, at the session thereof in which the same shall be passed.
- "Magistrate," "written," "in writing," "preceding," "following."** SEC. 20. The word "magistrate" may be construed to mean trial justice or justice court; the words "written" and "in writing" may include printing, engraving, lithographing, and photo-lithographing; the words "preceding" and "following," when used by way of reference to any section of these statutes, shall be construed to mean the section next preceding or next following.

TITLE V.

OF THE PROPERTY AND REVENUE OF THE STATE, AND OF THE STATE DEBT.

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- CHAPTER 23. Of public buildings.
CHAPTER 24. Of the state library.
CHAPTER 25. Of the revenue of the state.
CHAPTER 26. Of the permanent school fund.
CHAPTER 27. Of the public records.
CHAPTER 28. Of the state debt.

CHAPTER 23.

OF PUBLIC BUILDINGS.

SECTION

- 1. State houses and court houses, in charge of the sheriffs.
- 2. State farm, in charge of board of state charities.
- 3. State prison and jail in Providence, in charge of inspectors, and jails in other counties, in charge of the sheriffs.

SECTION

- 4. State arsenal in Providence, in charge of quartermaster-general.
- 5. Officers, &c., in charge of public buildings, to report to general assembly what repairs, &c., are required.

SECTION 1. The state houses and court houses in the several counties shall be in the charge of the sheriffs, who shall, in their respective counties, keep the same at all times in a suitable condition for the use of the courts, and the sheriffs of the counties of Newport and Providence respectively shall keep the court houses of their respective counties in a suitable condition for holding the sessions of the general assembly therein.

State houses and court houses, in charge of sheriffs.

SEC. 2. The state farm, and buildings thereon, shall be in the custody and charge of the board of state charities and corrections.

State farm, in whose charge.

SEC. 3. The state prison, and the jail in the county of Providence, shall be in the custody of the inspectors of the state prison, and the jails in the other counties shall be in the charge of the sheriffs of the respective counties.

State prison and jails, in whose.

SEC. 4. The state arsenal in the city of Providence, shall be in the charge of the quartermaster-general.

State arsenal, in whose.

SEC. 5. The respective officers and boards in charge of the several public buildings shall, from time to time, report to the general assembly what repairs are necessary to be made thereon, or alterations therein, to keep such buildings in a suitable condition for the use for which they are required.

Officers, &c., in charge of public buildings, to report concerning repairs, &c.

CHAPTER 24.

OF THE STATE LIBRARY.

SECTION

- 1. State library, in the care of the secretary of state.
- 2. Annual appropriation for the library.
- 3. To be expended under the direction of the governor and secretary.
- 4. Report of the condition of the library to be made.

SECTION

- 5. Law reports and statutes, to be deposited in law library, Providence.
- 6. Law library, in whose custody, and how to be used.
- 7. Annual appropriation for law library.

SECTION 1. The secretary of state shall have the care of the state library, except the law library, and shall receive and preserve all books and documents that may be sent to or purchased for the same.

State library, in care of secretary of state.

Annual appropriation for.

SEC. 2. The sum of two hundred dollars is hereby annually appropriated, for the purchase of books for the state library.

How expended.

SEC. 3. Such sum shall be expended under the direction of the governor and secretary of state, and in the selection of books care shall be taken to procure such as have a bearing upon the business and objects of legislation.

Report on condition of, when made.

SEC. 4. The secretary of state shall annually, at the May session, make report to the general assembly of the books purchased during the year preceding, and the cost thereof, and of the condition of the library.

Disposition of law reports and statutes.

SEC. 5. The secretary of state shall place in the law library, in the state house in Providence, all books of reports of judicial decisions, and all statutes, which may be received by him for this state from other states, and from the United States.

Law library, in whose custody, and how to be used.

SEC. 6. The clerk of the supreme court for the county of Providence shall have the custody of the law library, and is hereby made responsible for the care and keeping thereof, and shall permit no book to be taken therefrom, except for the use of the general assembly, or the justices of the supreme court, or upon the order of some one of them; but any person may consult any of the books within the library room.

Annual appropriation for.

SEC. 7. The sum of five hundred dollars is annually appropriated, to be expended, under the direction of the justices of the supreme court, for the purchase of books for the law library.

CHAPTER 25.

OF THE REVENUE OF THE STATE.

SECTION

1. Ratable property of the towns to be assessed, and a tax thereon annually paid.
2. Valuation of the ratable property of each town.
3. Institutions for savings, to pay a tax on deposits and reserved profits.
4. Insurance companies incorporated by this state, to pay a tax on amount at risk.
5. Agents of foreign insurance companies, to make returns and pay tax.
6. Penalty upon agent, for neglect, &c., to make such returns and payments.

SECTION

7. Agent to give bond.
8. Stock insurance companies incorporated by this state to pay a tax.
9. All payments for policies deemed premiums.
10. Corporations to pay tax before organization.
11. Insurance company, institution for savings, or corporation neglecting to pay, how collected.
12. Same subject.
13. Tax on civil commissions.
14. State's money, persons having, when to pay over, and penalty for neglect, &c., so to do.

Ratable property of towns to be assessed, and annual tax paid.

SECTION 1. A tax of twenty-five cents on each one hundred dollars of the valuation of the ratable property of the several towns of the state, as hereinafter set forth, shall be annually assessed, collected, and paid by said towns to the general treasurer, on or before the first day of January in each year.

SEC. 2. The valuation of the several towns, as the basis of the tax provided for in the preceding section, shall be the same valuation, which was the basis of the state tax for the year 1871.

Valuation of the several towns.

SEC. 3. Every institution for savings shall annually pay to the general treasurer twenty-five cents on each one hundred dollars deposited therewith, and on each and every one hundred dollars of reserved profits, said sums to be ascertained from the returns required to be made to the state auditor, and to be paid on or before the first Monday in August.

Institutions for savings, to pay tax on deposits and reserved profits.

SEC. 4. Every insurance company, incorporated and doing business in this state, shall annually, on the first Monday in June, pay to the general treasurer one cent on each one hundred dollars on the amount at risk in such company on the 31st day of the preceding December.

Insurance companies, to pay tax on amount at risk.

SEC. 5. Every agent of an insurance company not incorporated by this state, doing business or residing herein, shall, during the month of January in every year, make return to the general treasurer of the amount insured or procured to be insured by him, in this state, as such agent, during the year preceding, and of the amount of premiums received, and assessments collected, during the said period; and shall, at the same time, pay to the general treasurer a tax of two per cent. on the amount of such premiums and assessments.

Agents of foreign insurance companies, to make returns and pay tax.

SEC. 6. If any such agent shall neglect to make such returns and payments as are prescribed by the preceding section, or if he shall make the same falsely or fraudulently, he shall be fined for every such offence not exceeding one thousand dollars, and a suit upon his bond given to secure the payment of such tax shall be forthwith prosecuted.

Penalty for neglect, &c., to make such returns and payments.

SEC. 7. Every such agent shall, before making or procuring to be made any contract of insurance as aforesaid, give bond to the general treasurer, with two or more sureties, to be approved by him, in the sum of one thousand dollars at least, with conditions to make the annual returns before prescribed, and to pay said tax.

Agent to give bond.

SEC. 8. Every stock insurance company incorporated and doing business in this state shall annually pay to the general treasurer, on the first Monday in June, twenty cents on each and every one hundred dollars of its capital stock paid in.

Stock insurance companies to pay tax.

SEC. 9. All payments made for policies, whether in money or by note or other security, shall be deemed to be premiums within the meaning of the preceding sections of this chapter.

Payments for policies deemed premiums.

SEC. 10. No corporation shall be organized under a charter, until the petitioners for the same, or some one in their behalf, shall pay into the general treasury, for the use of the state, one hundred dollars, if the capital stock of such corporation shall not exceed one hundred thousand dollars, and one tenth of one per centum upon any amount of capital stock exceeding one hundred thousand dollars, and every corporation which shall increase its capital stock, shall pay into the general treasury, for the use of the state, one tenth of one per centum upon such increase, and the secretary of state shall not issue a certified copy of any act creating such corporation, or providing for such increase of capital stock, until he shall be furnished with the certificate of the general treasurer to the effect that the sum so required has been paid.

Corporations to pay tax before organization.

SEC. 11. If any insurance company, institution for savings, or corporation shall neglect for the space of thirty days to pay the duty imposed upon such company, institution, or corporation, the general

Insurance company, institution for savings, or corpo-

ration neglecting to pay, how collected.

treasurer shall issue his warrant of distress against the same, directed to the sheriff or his deputy of the county in which such company, institution, or corporation is located, for the amount of such duty; commanding him, in the name of the state, to collect from such delinquent said amount, with interest thereon from the time the same was payable to the time of its actual receipt by such officer, with his lawful fees, and to make return thereof within ninety days from the date of such warrant.

Same subject.

SEC. 12. The officer charged with the service of such warrant shall levy and collect the sum therein named, by attachment and seizure of the real and personal estate of the delinquent against whom such warrant was issued, and shall sell the same at public auction, giving thirty days' previous notice of the time and place of such sale, by posting up two notices, in the town in which such insurance company, or institution for savings, or other corporation is located, and a deed of such estate made by such officer, shall vest in the purchaser all the right, title, and interest which such insurance company, or institution for savings, or other corporation had therein at the time of the attachment and seizure thereof.

Tax on civil commissions.

SEC. 13. Every person accepting a civil commission under the state shall, at the time of receiving such commission, pay to the officer delivering the same two dollars for the use of the state.

State's money, persons having, when to pay over, and penalty for neglect, &c.

SEC. 14. Every officer, or other person receiving or having in his hands money belonging to the state, which money should be paid into the state treasury, shall pay the same to the general treasurer within thirty days after he shall receive such money, unless otherwise provided by law, and every such person who shall, without just cause, neglect or refuse to pay over such money, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding five years.

CHAPTER 26.

OF THE PERMANENT SCHOOL FUND.

SECTION

1. General treasurer to regulate the custody of, and to keep the school fund invested.
2. Money paid to the state by auctioneers, to be added to the school fund.
3. Money appropriated by the state for public schools and forfeited

SECTION

- by any town, to be added to the school fund.
4. Additions to said fund to be invested.
5. Income of the fund to be appropriated for the support of public schools.

General treasurer to keep, &c., school fund.

SECTION 1. The general treasurer, with the advice of the governor, shall have full power to regulate the custody and safe keeping of the fund now constituting the permanent fund for the support of public schools, and to keep the same securely invested in the capital stock of some safe and responsible bank or banks within this state.

Money paid by auctioneers, to be added thereto.

SEC. 2. The money that shall be paid into the state treasury by auctioneers, for duties accruing to the use of the state, is hereby appropriated, and the same shall annually be added to said school fund, for the permanent increase thereof.

Sec. 3. Whenever any money appropriated to any town from the state treasury, for the support of public schools therein, shall have been forfeited by such town, the same shall be added to said school fund, and shall forever remain a part thereof.

Money forfeited by towns, to be added.

Sec. 4. The general treasurer, with the advice of the governor, shall, from time to time, securely invest all sums of money hereby directed to be added to said fund, in the capital stock of some safe and responsible bank or banks within this state.

Additions to be invested.

Sec. 5. The income arising from said fund so invested, shall annually be appropriated for the support of public schools in the several towns.

Income to be appropriated for support of schools.

CHAPTER 27.

OF THE PUBLIC RECORDS.

SECTION

1. Officers to deliver official records, &c., to their successors in office. Penalty for neglect, &c., so to do.

SECTION

2. Penalty upon person other than the lawful custodian, for neglect, &c., to deliver official records, &c.

SECTION 1. Every person who shall hold a public office shall, upon leaving the same, deliver to his successor in office, or if there be no successor, to the secretary of state, all records, books, writings, letters, and documents kept or received by him in the transaction of his official business, and all moneys lying in his hands, which he shall have received as trusts of any person or persons, or otherwise in the course of his official business; and every such person who shall, without just cause, refuse, or neglect for the space of ten days, after request made in writing by any citizen of the state, to deliver as herein required such books, record, writing, letters, or documents, or to pay over such money to the person authorized to receive the same, shall be fined not exceeding five hundred dollars, and be imprisoned not exceeding five years.

Officers to deliver official records, &c., to their successors in office.

Penalty for neglect, &c., so to do.

Sec. 2. Every person, other than the lawful custodian thereof, who shall have in his possession, or under his control, any such record, book, letter, writing, or document as is designated in the first section of this chapter, and who shall without just cause refuse or neglect, for the space of ten days after request made in writing by any citizen of this state, to deliver such record, book, letter, writing, or document to the lawful custodian of the same, shall be fined not exceeding five hundred dollars, and be imprisoned not exceeding five years.

Penalty upon person other than the lawful custodian, for neglect, &c., to deliver official records, &c.

CHAPTER 28.

OF THE STATE DEBT.

SECTION

1. Bonds of state, certain issues of, recognized and ordered paid.
2. Coupon bonds, how exchanged for certificates of indebtedness.
3. Bonds, coupons, and certificates,

SECTION

- the property of the state, how destroyed.
4. General treasurer may purchase bonds under direction of governor.

Bonds of state, certain issues of, recognized and ordered paid.

SECTION 1. As many of the following issues of bonds, made under the authority of the general assembly of this state, given at the times herein recited, to raise money to defray the expenses incurred by this state in the suppression of the late rebellion against the United States, as have not been paid, shall continue to be valid outstanding obligations of the state, and they, with the interest thereon, shall be paid according to the tenor thereof; that is to say:

1. An issue of not exceeding five hundred thousand dollars of bonds, payable in ten years from October 1, A. D. 1861, authorized by an act passed August 10, 1861.

2. An issue of not exceeding one million two hundred thousand dollars in bonds, payable in twenty years from September 1, A. D. 1862, authorized by an act passed September 8, 1862.

3. An issue of not exceeding three hundred thousand dollars in bonds, payable in twenty years from April 1, 1863, authorized by an act passed March 12, 1863.

4. An issue of not exceeding one million dollars of bonds, payable in not exceeding thirty years from July 1, 1863, authorized by the act of June 19, A. D. 1863.

5. An issue of not exceeding one million dollars of bonds, authorized by the act of June 3, 1864, and payable in thirty years from date.

6. An issue of one million dollars in bonds, payable in thirty years from February 1, 1865, authorized by the act of February 3, A. D. 1865.

Coupon bonds, how exchanged for certificates of indebtedness.

SEC. 2. Whenever the holder of any coupon bond of this state shall surrender the same, with the unpaid coupons belonging thereto, to the general treasurer, and shall request that he shall issue a certificate of such surrender, the general treasurer shall make an entry of such surrender in a book, to be by him kept for that purpose, and he shall issue a certificate thereof to the person surrendering such bond, which certificate shall be duly recorded, and shall entitle the person receiving the same to receive the amount mentioned in such surrendered bond, and the interest thereon, at the times and places in the surrendered bond set forth, which certificate shall not be transferable but by order of the holder thereof, or of his personal representative made thereon, with notice to the general treasurer of such assignment; and upon the receipt of notice of such an assignment, the general treasurer shall enter a memorandum thereof upon the record of such certificate.

Bonds, coupons, and certificates, the property of the state, how destroyed.

SEC. 3. All bonds, and all coupons and certificates of indebtedness, which shall become the property of the state, shall be destroyed by the general treasurer, by burning the same, in the presence of the secretary of state, the state auditor, and attorney-general, who shall make,

sign, and deliver to the general treasurer a certificate containing the number, date of issue, and denomination of each bond, and of each coupon and certificate of indebtedness so destroyed, and of the time when destroyed, which certificate shall be, by the general treasurer, with his next report, transmitted to the general assembly.

SEC. 4. The general treasurer, under the direction of the governor, may purchase any of the bonds or certificates of indebtedness issued by the state, at a price not exceeding the par value thereof, with the interest which has accrued thereon, whenever there is any money in the treasury available for that purpose.

General treasurer, may purchase bonds under direction of governor.

TITLE VI.

OF THE STATE TREASURY, AND OF THE OFFICERS THEREOF.

CHAPTER 29. Of the general treasurer.

CHAPTER 30. Of the state auditor, and of returns to him.

CHAPTER 29.

OF THE GENERAL TREASURER.

SECTION

1. General treasurer to give bond.
2. Office, where kept.
3. To keep evidences of property, and collect dividends.
4. To receive and disburse funds of the state.
5. To deposit funds in bank.
6. To keep accounts of money received and paid.
7. To keep accounts with each appropriation and salaried officer.
8. To keep accounts with issues of state bonds.
9. To keep check-books.
10. Payments from the treasury, how to be made.
11. Report of receipts and expenditures to be made to the general assembly.

SECTION

12. Tabular statement to accompany report.
13. Moneys received, to be stated under appropriate heads.
14. Accounts to contain statement of bonded debt.
15. Receipts and expenditures on account of school, deposit, and Touro funds.
16. General treasurer to report all sums due under the revenue laws.
17. To report delinquencies to the attorney-general.
18. To report estimates of expenditures and resources to the general assembly.

SECTION 1. The general treasurer shall, before entering upon the duties of his office, give bond to the state, with sufficient sureties to the satisfaction of the governor, in the sum of forty thousand dollars, for the true and faithful discharge of the duty of his office, which bond shall be deposited with, and kept by, the secretary of state.

General treasurer to give bond.

Office, where kept.

SEC. 2. The office of the general treasurer, which shall be in the city of Providence, shall be kept open daily, Sundays and holidays excepted, from ten and a half o'clock in the forenoon until two o'clock in the afternoon.

To keep evidences of property, and collect dividends.

SEC. 3. He shall personally attend to his official duties, he shall be the keeper of the certificates of stocks, notes, and other evidences of property belonging to the permanent school fund, Touro fund, and of all other property belonging to the state, or held by the state in trust; and he shall collect the dividends, interest, and income arising therefrom, and shall dispose of the same according to law.

To receive and disburse state's funds.

SEC. 4. All moneys due to the state shall be paid to the general treasurer, who shall be responsible for the safe keeping and proper disbursement thereof according to law.

To deposit funds in bank.

SEC. 5. He shall deposit, subject to his order, for the use of the state, all the funds of the state received by him, in such safe and responsible bank, either in Newport or Providence, or in the Rhode Island Hospital Trust Company, as will give the greatest rate of interest therefor.

To keep account of moneys received and paid.

SEC. 6. He shall keep a fair and correct account of all sums of money received into and paid from the treasury during the year.

To keep accounts with each appropriation and salaried officer.

SEC. 7. He shall keep an account with each appropriation made by the general assembly, and with each salaried officer of the state, in which he shall credit the object for which the appropriation is made, with the amount appropriated to the object, and shall charge such appropriation, with the payments made by him upon the same, upon the orders of the state auditor.

To keep accounts with issues of state bonds.

SEC. 8. He shall keep an account with each issue of the state bonds, in which account the state shall be charged with the amount of the bonds contained at that time, and in which the numbers of the bonds shall be set forth; and the state shall be credited with the payments made on account of such bonds, indicating in such account the particular bonds by their numbers, to which such payments shall be made.

To keep check-books.

SEC. 9. He shall keep check-books, within which there shall be suitable margins. The checks shall be numbered by numbers in the margins, corresponding with the numbers upon the checks, and he shall note in the margin, the date and amount of the check, the appropriation to which it shall be charged, and the person to whom it shall be issued, and shall settle his account with all banks and other depositaries holding state deposits, as often as once in each month.

Payments from the treasury, how to be made.

SEC. 10. He shall pay from the state treasury, money for the principal of and interest upon the bonded debt, upon the order of the state auditor, and for lawful orders upon him of the governor or of the state auditor, and for no other purpose, but no money shall be paid therefrom, unless the same shall have been appropriated to the purposes for which it is to be paid.

Report of receipts and expenditures to be made to the general assembly.

SEC. 11. He shall present to the general assembly, on the second day of its May session, and of its adjourned session on the second day in Providence, from the May session, in every political year, a particular account of receipts and expenditures of public money, from what sources the state revenue shall have been derived, and what amount thereof from each source, and what amount from each town, and the citizens and corporations thereof, and on what account; and he shall also state how, and for what purposes, the money in the state treasury shall have been applied and expended, and what amount in

each county, and for what purposes; and such accounts shall be made up to and include the thirtieth day of April and November in each year, and shall contain a statement of the condition of the state treasury on said day, and also a general summary of receipts, expenditures, and balances, transferred and on hand, during the preceding year; such accounts shall state the balance on hand, where the same is deposited, and the terms of the contract, under which the deposit is made.

SEC. 12. He shall make a tabular statement to accompany such accounts, in which he shall classify the expenditures of the state under the following heads as nearly as may be: *A.* Salaries. *B.* Pay of members of the general assembly. *C.* Expenses of general assembly, including pay of officers. *D.* Courts, specifying the amount paid in each of the courts for the following purposes: 1. Attorney-general; 2. Jurors; 3. Witnesses; 4. Clerks; 5. Officers; 6. Other costs, waiters, and incidental expenses. *E.* Orders of the governor. *F.* Printing laws and schedules, and all printing ordered by the general assembly. *G.* Support of state prison. *H.* Support of the institutions at the state farm. *I.* Accounts allowed and paid out of money appropriated by the general assembly for the following purposes: 1. Repairs, furniture, and enlargement of the state prison; 2. do. of court houses; 3. do. of jails; 4. do. of bridges; 5. do. of other public works; 6. Expenses incurred by or on account of railroad commissioner; 7. Schools, including the normal school and teachers' institute and Providence reform school; 8. Amounts paid to the Butler hospital for the insane, and for support and education of deaf, dumb, idiotic, and blind persons; 9. Accounts allowed to jailers; 10. To justice courts; 11. To witnesses; 12. To officers for services in criminal cases; 13. Militia and military affairs; 14. Indian tribe; 15. Miscellaneous.

Tabular statement to accompany report.

SEC. 13. In the account of moneys received from the different courts, he shall state separately the amounts received from the following sources: 1. Entries; 2. Jury fees; 3. Other costs; 4. Taxes on clerk's fees; 5. Fines; 6. Miscellaneous; and he shall also state the amounts of revenue received from all other sources, under appropriate heads.

Moneys received, to be stated under appropriate heads.

SEC. 14. Such accounts shall also contain a statement of the bonded debt of the state, the amount of each issue outstanding, and the time when the said bonds mature and are payable, together with the gross amount of the annual interest thereon and the amount of interest paid, and the amount of the coupons due and unpaid, and of the bonds retired since the making of the last previous report.

Accounts to contain statement of bonded debt.

SEC. 15. He shall report at every May session, the receipts and expenditures on account of the permanent school fund and Touro fund, under appropriate heads, together with the state and amount of such funds, and how the same are invested. He shall also in such report state any other expenses particularly, under such heads as he may deem necessary for the better information of the general assembly.

Receipts and expenditures on account of school, deposit, and Touro funds.

SEC. 16. He shall with such report, report all such sums of money as within his knowledge shall be due to the state from any person, corporation, or town, by virtue of any of the revenue laws; and what amount from each; and also report all such breaches or want of enforcement of the license law, or any other of the revenue laws of the state, by any person or town, as shall come to his knowledge, or as may in his opinion exist, whereby the state may be defrauded of any of its revenue.

General treasurer to report all sums due under the revenue laws.

To report delinquencies to the attorney-general.

SEC. 17. He shall report to the attorney-general any person or town which neglects to pay, at the times required by law, any sum of money due to the state, and the attorney-general shall prosecute any such delinquent according to law.

To report estimates of expenditures and resources to the general assembly.

SEC. 18. He shall present to the general assembly, at its adjourned session in Providence from the May session, a detailed estimate of the expenditures to be made from the treasury for the ensuing fiscal year, specifying therein each object of expenditure under the heads named in the twelfth section of this chapter, and distinguishing between such as are or may be provided for by permanent and by temporary appropriations, and such as will be required to be provided for by law, and, as near as may be, the times when such payments will be made; also a statement showing the means and resources from which such expenditures are to be defrayed, and, as near as may be, the period in the year when such means and resources will become available, and be paid into the treasury.

CHAPTER 30.

OF THE STATE AUDITOR, AND OF RETURNS TO HIM.

SECTION

1. Auditor to give bond.
2. Office, where kept.
3. Auditor to keep order book.
4. To keep account with each appropriation.
5. To examine claims against the state.
6. Claims disallowed.
7. Clerks of courts to transmit to the auditor accounts allowed by courts.
8. Pay of jurors.
9. Pay of members of general assembly.
10. Repairs on public buildings, &c., payments for, how and when to be made.
11. Appropriations, how payable.
12. Orders for payment of money, to be drawn or countersigned by auditor.
13. Auditor to examine and settle accounts.
14. To require payment of balances.
15. Clerks of courts, how and when to account.
16. Clerks of courts, county of Bristol, how and when to account.
17. Auditor to furnish books for certificates of witnesses.
18. Witnesses discharged, how paid.

SECTION

19. Sheriff to certify his fees for summoning witnesses.
20. Auditor may draw order for estimated sheriff's fees for summoning witnesses.
21. Officers receiving money to pay such fees, to account.
22. Auditor to provide justice courts with witness books.
23. Such courts to keep copy, and return original book.
24. Auditor may deliver orders for witness, &c., fees.
25. Officers receiving taxes on commissions, to account therefor.
26. Officers receiving fines and costs, to account.
27. Trial justices and clerks of justice courts, to account for fines, &c.
28. Costs in criminal cases, when and to whom to be paid.
29. Payments due from persons required to account, when and to whom to be made.
30. Auditor may administer oaths.
31. To have access to books and papers.
32. To keep accounts of expenditures and disbursements.
33. To keep an account with the general treasurer.

SECTION

- 34. To examine and certify accounts of the general treasurer.
- 35. To examine books and accounts of the general treasurer twice a year, and report.

SECTION

- 36. To furnish forms of accounts and returns.
- 37. Penalty for neglects.
- 38. Auditor to report delinquencies.
- 39. Delinquents to be prosecuted.

SECTION 1. The state auditor shall, previous to entering upon the duties of his office, give bond to the state, with sufficient sureties to the satisfaction of the governor, in the sum of ten thousand dollars, for the true and faithful performance of the duties of his office, which bond shall be deposited with, and be kept by, the secretary of state.

Auditor to give bond.

SEC. 2. The office of the state auditor, which shall be in the city of Providence, shall be kept open daily, Sundays and holidays excepted, from ten and a half o'clock in the forenoon until two o'clock in the afternoon.

Office, where kept.

SEC. 3. The state auditor shall procure for his office, order books, with suitable margins, with corresponding numbers in the margins and upon the order, and, in issuing orders, it shall be his duty to take them from his order book, noting in the margin the date and amount of the orders, and the name of the person in whose favor they are issued, and the appropriation to which they are chargeable.

Auditor to keep order book.

SEC. 4. He shall open an account with each appropriation made by the general assembly, in which he shall credit the object for which the appropriation shall be made, with the amount appropriated; and shall charge the several orders drawn against the same; and he shall likewise open an account with each salaried officer, in which he shall credit the officer with the amount of his salary, from time to time, as it may become due, and charge him with any orders issued on account thereof.

To keep account with each appropriation.

SEC. 5. He shall examine, adjust, and determine all accounts and claims against the state, for the payment of which provision shall have been made by law, and by appropriations made therefor, and certify to the general treasurer the amount due and allowed by him on every such account or claim, the head of expenditures to which the same is to be charged, and the law authorizing the payment thereof, and the law making appropriation therefor, and all such accounts so certified shall, for each year, be regularly and successively numbered and recorded by the auditor, in a book kept for that purpose.

To examine claims against the state.

SEC. 6. Whenever any claim or account shall be disallowed by the auditor, he shall state upon, or annex to, such account or claim, his reasons for disallowing the same, and shall also keep a record thereof, or at least of the date, the amount, the name of the person presenting it, the nature or purport of the same, and of his reasons for disallowing it, in a book to be kept for that purpose.

Claims disallowed.

SEC. 7. Every account allowed by the supreme court, or court of common pleas, and every certificate allowed for any attendance in any such court in cases provided by law, except the attendance of officers in the county of Providence, shall, within twenty days after the close of any term thereof, and every account or bill of costs, with the items thereof, allowed by any justice court, or by the supreme court or court of common pleas in the county of Providence, for attendance of officers, shall, at the end of every month, be transmitted by the clerks of such courts respectively, or trial justice of a justice

Clerks of courts to transmit to the auditor accounts allowed by courts.

court, if there be no clerk thereof, to the auditor, and such account, certificate, or bill of costs shall state the name of the person to whom such allowances have been made, the amount thereof, and for what the same has been allowed.

Pay of jurors.

SEC. 8. The auditor, upon a statement exhibited to him by any clerk of the supreme court or court of common pleas, approved by one of the justices thereof, may draw an order on the general treasurer in favor of such clerk, for a sum sufficient to pay the jurors for their travel and attendance at any term of such court, which sum shall be accounted for by such clerk, at the time of transmitting to the auditor the accounts named in the preceding section.

Pay of members of general assembly.

SEC. 9. The secretary of state, and the clerks of the house of representatives, shall, at the close of each session of the general assembly, severally prepare statements of the amounts to which the members of their respective houses are entitled for their pay and mileage, and shall transmit the same to the auditor, who shall draw orders on the general treasurer for the payment thereof, in favor of each member, and the auditor is hereby required to attend each session of the general assembly, at the close thereof, for such purpose.

Repairs on public buildings, &c., payments for, how and when to be made.

SEC. 10. Whenever the general assembly shall make any appropriation for the erection or repair of any public building, any armory of any military company, or any appropriation for any specified work to be done and performed, the auditor shall require satisfactory proof that the work specified in such appropriation has been faithfully done, according to the terms of such appropriation, before the money appropriated for the purpose shall be drawn from the state treasury; or, if the appropriation contemplates that portions of the money appropriated shall be drawn as the work progresses, the money shall be drawn only in proportion to the amount of the work done, or advanced upon such security as the auditor may require, that it shall be applied to said work.

Appropriations, how payable.

SEC. 11. All appropriations made by private acts of the general assembly shall be payable upon the check of the general treasurer, out of any funds in the treasury not otherwise appropriated, upon the order of the state auditor, and be charged in the account "of accounts allowed by the general assembly."

Orders for payment of money, to be drawn or countersigned by auditor.

SEC. 12. All orders for the payment of money out of the state treasury shall be drawn by the auditor, except in those cases in which orders for appropriations made are authorized by law to be drawn by other officers, and in all such cases the orders so drawn by such other officers shall be countersigned by the auditor, before the money shall be paid thereon out of the state treasury.

Auditor to examine and settle accounts.

SEC. 13. The auditor shall examine and settle all accounts between the state and clerks of courts, sheriffs, jailers, trial justices, town councils, town treasurers, and licensed persons from whom an account is by law required, and all other persons indebted to the state, or who may receive money belonging to the state.

To require payment of balances.

SEC. 14. He shall require the payment of all balances due from such persons into the treasury; and, for the purpose of making such settlements, he shall have power to require the production of such documentary and other evidence by the accounting party as he may think proper.

Clerks of courts, how and when to account.

SEC. 15. Each of the clerks of the supreme court and court of common pleas, except as hereinafter provided, shall, within twenty days after the rising of the court of which he is clerk, at every term thereof, render a true and particular account to the state auditor, of

all fines, penalties, and forfeitures imposed or declared forfeit, and of all recognizances defaulted, and of all judgments rendered in favor of the state, or of any officer for the benefit of the state at that term of the court; also copies of all bills of costs taxed in criminal prosecutions, or in any other case in which the state or the general treasurer may be a party; also copies of all allowances for extraordinary and incidental services and expenses; and also of all moneys belonging to the state, received by him from any source whatever, which account shall be accompanied by a certificate from some one of the justices of said court, verifying the same, and specifying therein the number of cases tried or opened to the jury, and the amount of fines imposed by said courts for non-attendance of jurors; and clerks of justice courts shall, as often as once in three months, render a like account to the state auditor.

SEC. 16. The clerks of the supreme court and court of common pleas of the county of Bristol, shall receive and collect all the fees now required by law to be paid them by other parties than the state, in all civil and criminal cases, and shall render an account thereof to the state auditor, once in six months; and if, on the settlement of such accounts, the amount of fees which said clerks severally shall have received, or which they should have collected and received in said six months, shall not exceed the half part of said salary, the said auditor shall give an order on the general treasurer for the amount of such deficiency in said half year's salary; and if the amount received by said clerks, or which they should have collected and received in said six months, shall exceed the amount of their salary for the said six months, the said clerks shall pay such excess into the general treasury.

Clerks of courts, county of Bristol, how and when to account.

SEC. 17. The state auditor, at every term of the supreme court and court of common pleas in each county, shall provide the sheriff or deputy sheriff, who shall be selected by the attorney-general, to summon witnesses in criminal cases before such court, in behalf of the state, with suitable books, for the certificates of the travel and attendance of witnesses summoned and attending such court in behalf of the state, and for the certificates of the fees of officers for summoning the same, and for serving other criminal process in behalf of the state at such term.

Auditor to furnish books for certificates of witnesses.

SEC. 18. Whenever any witness shall have been discharged from further attendance on such court at such term in any case, in pursuance of any summons issued in behalf of the state in any county, such sheriff or deputy sheriff, as the case may be in such county, shall forthwith secure the proper certificate of the travel and attendance of such witness, in one of such books, and shall pay him the amount so certified to be due, from the funds hereinafter provided for, and have him receipt therefor in said book, all under the proper title of the case in which such witness is summoned, and under such a division of the certificates that it shall appear whether such witness was summoned before a grand or a petit jury. He shall likewise pay all fees due officers other than himself, for serving criminal process issued by such court in behalf of the state at such term, upon obtaining proper certificates and receipts therefor upon such book, showing under the proper title of the case and division thereof to which the fees apply, the items of such fees and the amount received in full.

Witnesses discharged, how paid.

SEC. 19. Such sheriff or deputy in each county, shall certify, in one of such books, under the proper title of the case and the division thereof to which his fees apply, the amount of his fees for summon-

Sheriff to certify his fees for summoning witnesses.

ing each witness by him summoned in behalf of the state, the number of miles he has travelled in making service, and the amount due him therefor, together with the amount and items of all other fees due him for serving other criminal process in behalf of the state, which amount he may receive for his own use from the funds hereinafter provided for, upon receipting therefor upon such book, under the proper title of the case on account of which such fees are due.

Auditor may draw order for estimated sheriff's fees for summoning witnesses.

SEC. 20. At or before the commencement of any term of the supreme court or court of common pleas in any county, such sheriff or deputy in said county may estimate the amount of money requisite for the payment of such witnesses, and the officers' fees for summoning the same, and other criminal process in behalf of the state at such term; and, upon the approval of such estimate by the attorney-general, the state auditor may, at any time, not more than three days before the commencement of such term, draw his order upon the general treasurer in favor of such sheriff or deputy, for the amount of such estimated fees, and the general treasurer shall pay such order, and charge the same to the account of the judicial expenses of the state.

Officers receiving money to pay such fees, to account.

SEC. 21. Every officer, receiving any money from the treasury for disbursement as hereinbefore provided, shall, within ten days after the disposition of the criminal trials before juries for the term of court for which such money is obtained, deposit with the clerk of such court a true copy, by him attested, of the book hereinbefore provided to be kept by him at such term, showing his disbursements of such money; and shall return the original, with his certificate endorsed thereon, under oath, that all matters therein contained are just and true, to the state auditor; and shall pay over any balance in his hands to the state treasurer, or receive any balance due him from the state, as, on settlement of the account with the state auditor, may appear.

Auditor to provide justice courts with witness books.

SEC. 22. The state auditor shall also provide the clerks of all justice courts, or if there be no clerk, then the trial justice thereof, at all times, with like proper books, for certificates of fees of witnesses and officers, due from the state; and such clerk or trial justice, as the case may be, shall obtain like certificates of the fees of witnesses and officers before such courts in behalf of the state, in such books; and, with the approval of the trial justice of such court, made upon examination of the facts immediately after the trial of every case, shall pay forthwith out of any public moneys in their hands, such fees, and take proper receipts therefor, under the proper title of the case, in such book, and obtain the signature of the justice approving the payments, in each case, upon such books.

Such courts to keep copy, and return original book.

SEC. 23. Every such clerk, or if there be no clerk, the trial justice of such court, shall keep a true copy, by him attested, of every book containing evidence of such disbursements, in his office, and shall, under his certificate that he believes the same to be true and just in every particular, return each respective original book, containing the certificates and receipts as hereinbefore provided, to the state auditor, whenever it shall become his duty according to law to settle his account with that officer; and shall include his account of such disbursements in the account, which it shall then be his duty under the law to settle.

Auditor may deliver orders for witness, &c., fees.

SEC. 24. The state auditor may deliver to each trial justice of a justice court having no clerk, otherwise to the clerk thereof, and to wardens, and to the clerks of the supreme court and courts of com-

mon pleas, except the clerks of the supreme court and court of common pleas in the county of Providence, orders for fees of officers and witnesses in criminal prosecutions allowed by such justice courts, and by said auditor found to be due to such officers and witnesses from the state; and such trial justices, wardens, and clerks, upon application therefor, shall deliver the same to the officers and witnesses entitled thereto.

SEC. 25. The secretary of state shall annually, and on or before the first Monday of January in each year, report to the auditor the number of commissions to officers issued by him, upon which a tax is imposed, and he shall report and account to the auditor for the amount of taxes thereon received by him, and all sheriffs and other officers receiving such commissions and the taxes thereon, shall account to the auditor therefor.

Officers receiving taxes on commissions, &c., to account therefor.

SEC. 26. Sheriffs, deputy sheriffs, jailers and other persons, except clerks of courts or trial justices, recovering fines, penalties, and forfeitures accruing or belonging to the state, or costs due or payable into the state treasury, shall, as often as twice in each year, account to the auditor for the same.

Officers receiving fines and costs, to account.

SEC. 27. Every trial justice of a justice court having no clerk, otherwise every clerk of a justice court, shall annually, and on or before the thirtieth day of April in each year, make return in writing to the auditor, of all fines collected by him due the state, during the preceding year, and the amount and circumstances of such fines, if any, by him collected; and shall therewith return an abstract of his docket or record, showing the amount of fines by him imposed, and copies of the bills of costs on all complaints and warrants made, brought, or tried before him; and shall also make return as aforesaid of any penalties or costs in any civil or criminal suit or process due the state, which have been in his hands more than one year before said day, and the amount and circumstances of such penalties and costs.

Trial justices and clerks to account for fines, &c.

SEC. 28. All costs received by the clerk of any court, or by any trial justice or other officer or person, which may be paid by defendants or others in criminal prosecutions, may be paid out to the persons or officers entitled to the same, by the clerks of said courts, within twenty days after the rising of the courts at the terms when the same shall have been received, and by trial justices or clerks of justice courts, and other officers, until the time appointed for the rendering of their accounts to the auditor as required by this chapter; and all sums so received and paid out by said officers shall be accounted for to the auditor.

Costs in criminal cases, when and to whom to be paid.

SEC. 29. All officers and persons required by the provisions of this chapter to account to the auditor shall, immediately upon the settlement of such account, pay over the amounts due the state to the general treasurer.

Payments from persons required to account, how to be made.

SEC. 30. Whenever any account shall be presented to the auditor for adjustment, he may require the person presenting the same, and any other person, to be sworn before him touching such account, and, when so sworn, to answer orally or in writing as to any facts relating to the truth and justness of the account.

Auditor may administer oaths.

SEC. 31. The auditor shall, for the purpose of enabling him fully to discharge the duties required of him by this chapter, have access to any books and papers in the offices of the secretary of state, general treasurer, the clerks of the several courts, the town treasurers in the several towns, and of justice courts, in the state.

To have access to books and papers.

To keep accounts.

SEC. 32. He shall keep fair, clear, and distinct accounts, under appropriate heads, of the expenditures and disbursements made in pursuance of the provisions of this chapter.

To keep an account with the general treasurer.

SEC. 33. He shall keep an account with the general treasurer, and credit him with all the amounts paid on the orders drawn or countersigned by said auditor, so that the books and accounts of the auditor shall show all the expenditures and disbursements of moneys appropriated by the general assembly.

To examine and certify his accounts.

SEC. 34. He shall examine the accounts of the general treasurer as often as once in each month, and shall certify to him, in a book to be kept for that purpose, their standing, as the same shall be ascertained by the auditor.

To examine his books and accounts twice a year, and report.

SEC. 35. He shall, twice in each year, carefully examine the books and accounts of the general treasurer, his vouchers for the charges thereon, and the moneys or funds on hand in the state treasury, and at the May session of the general assembly, and at the adjourned session thereof at Providence, report the result of such examination, specifying the kind and amount of funds particularly, and such other facts and recommendations in relation to the same, and in relation to the expenditures of the state, as he may deem it important to the public interest to communicate. He shall also give, in such reports, the date of every certificate by him issued, the name of the person to whom issued, the amount for which the same was given, and the appropriation to which the same was charged.

To furnish forms of accounts and returns.

SEC. 36. He shall furnish the clerks of the supreme court, court of common pleas, and justice courts, or if a justice court have no clerk, then the trial justice thereof, and other officers required by this chapter to account to him, with such forms of accounts and returns as he shall think proper and convenient; and the said clerks, justices, and other officers shall make return to the auditor according to law, agreeably to such forms by him prescribed.

Penalty for neglects.

SEC. 37. If any clerk, officer, or other person, shall neglect or refuse to account to the auditor as herein required, or shall neglect or refuse to pay into the state treasury any costs or moneys belonging to the state, at the time when the same ought to be paid, the person so offending shall forfeit treble the amount of the costs or other moneys so withheld or not paid, to be recovered by an action of debt, in the name of the general treasurer, for the use of the state.

Auditor to report delinquencies.

SEC. 38. The auditor shall report all cases of delinquency under this chapter to the attorney-general.

Delinquents to be prosecuted.

SEC. 39. The attorney-general shall cause prosecution to be commenced and prosecuted for all neglects of the duties imposed by the provisions of this chapter, whenever the same shall be brought to his knowledge.

TITLE VII.

OF TOWNS AND TOWN OFFICERS.

CHAPTER 31. Of the powers of, and of suits by and against towns.

CHAPTER 32. Of calling and warning town meetings.

CHAPTER 33. Of the quorum, government, and conduct of town meetings, and of organization and government of ward meetings.

CHAPTER 34. Of the election and qualification of town officers.

CHAPTER 35. Of the town council.

CHAPTER 36. Of the town clerk.

CHAPTER 37. Of the town treasurer.

CHAPTER 31.

OF THE POWERS OF, AND OF SUITS BY AND AGAINST TOWNS.

SECTION

1. Towns, bodies corporate, and power of to sue, be sued, and defend.
2. Power of, to take and convey real estate, and to make contracts.
3. Power of, to tax.
4. Not to levy poll-tax.
5. Power of, to vote and grant money, and for what uses.
6. Power of, to establish free public libraries.
7. Power of, to appropriate money for maintenance, &c., of such libraries.

SECTION

8. Powers and obligations of towns, districts, and villages.
9. Town acts, laws, and orders, how long to be in force.
10. What officers and agents towns may appoint.
11. Debts and claims due from towns, how to be demanded and enforced.
- 12 and 13. Judgments against, how to be satisfied.
14. Suits by towns, in what name brought.

SECTION 1. The inhabitants of every town in this state shall continue to be a body corporate, and may, in their corporate name, sue and be sued, prosecute and defend, in any court and elsewhere.

SEC. 2. Towns may take, purchase, and hold real and personal estate, and alienate and convey the same; and may make any contracts necessary and convenient for the transaction of the business of the town.

SEC. 3. They may raise by a tax on real or personal estate, or on both, such sums of money as shall be necessary to pay town debts, or to defray the charges and expenses of the town hereinafter set forth; and may include the town's proportion of any state tax that may be assessed, in the assessment of the town tax, and pay the same out of the town treasury, provided the same be voted at a legal meeting of the electors of the town.

Towns, bodies corporate, and power of to sue and be sued, &c.

Power of, to take and convey real estate, and make contracts.

Power of, to tax.

Not to levy
poll-tax.

SEC. 4. No poll-tax shall be levied or collected by a town for any purpose whatever.

Power of, to
vote and grant
money, for
town houses,
&c. ;

SEC. 5. Towns may, at any legal meeting, grant and vote such sums of money as they shall judge necessary :—

schools, &c. ;

For the purchase of sites for, and for the erection and repair of, town houses and other public buildings ;

poor ;

For the support of schools, purchase of sites for and the building and repair of school-houses ; and for the establishing and maintaining of school libraries ;

For the support and maintenance of the poor, and the purchase, erection, and repair of proper buildings for the accommodation of the same, as well as for the purchase of proper sites for such buildings, and, if they judge expedient, of farms or farm lands, for the employment and support of paupers and others chargeable upon them ;

workhouses,
&c. ;

For the purchase of proper site or sites for workhouses, bridewells, houses of correction, or reform schools for juvenile offenders, either or all, and the purchase, erection, and repair of proper buildings, fixtures, and apparatus for the same, and the purchase of lands for the employment and support of the inmates of the same ;

highways ;

For the laying out, making, repairing, and amending of highways

bridges ;

For the building, repairing, and amending of bridges ;

improvement
of town prop-
erty ;

For the improvement, in any manner they may deem fit, of any property belonging to the town ;

town expenses.

For all necessary charges and expenses whatsoever arising within the town, whether incidental or not to the above.

Power of, to es-
tablish free
public libraries.

SEC. 6. The electors of the city of Providence, at the annual election for members of the city council, may, by a majority vote thereof voting, and the electors in every other town or city qualified to vote upon any proposition to impose a tax, or for the expenditure of money in such town or city, may, by a majority vote of such electors voting at the annual meeting for the election of town officers, or members of the city council therein, appropriate a sum not exceeding twenty-five cents on each one hundred dollars of the ratable property of such city or town in the year next preceding such appropriation, for the foundation therein of a free public library, with or without branches, for all the inhabitants thereof, and to provide suitable rooms for such library, which shall be used under such regulations as may from time to time be prescribed by the town council of such town, or city council of such city.

Power of, to
appropriate
money for
maintenance,
&c., of such
libraries.

SEC. 7. Any town or city having established a free public library therein, in manner as aforesaid, may annually, by the majority vote of the electors thereof, qualified as aforesaid, and voting upon the proposition, appropriate a sum not exceeding ten cents on each one thousand dollars of its ratable property, in the year next preceding such appropriation, for the maintenance and increase of such library therein, and may take, receive, hold, and manage any devise, bequest, or donation for the establishment, increase, or maintenance of a public library therein, to be under such regulations for its government, when they are not prescribed by its donor, as may from time to time be prescribed by the town council of such town, or the city council of such city.

Powers and ob-
ligations of
towns, dis-
tricts, and vil-
lages.

SEC. 8. Every town, city, district, and village shall have and exercise all the existing powers and privileges, and be subject to all existing duties and liabilities, conferred or imposed upon it by its charter, or by the several acts of the general assembly specially relating to it, until the same shall expire by their own limitation, or shall be revoked or repealed.

SEC. 9. The acts, laws, and orders of towns shall continue in force until altered or annulled by vote of the town, or by law.

Town acts, laws, and orders, how long in force.

SEC. 10. Towns may and shall elect all such town officers as are, or may be, by law required, and may appoint such other officers as by law empowered, and such special agents, for the transaction of any town business not by law required to be performed by any officer known to the law, as they may deem expedient.

What officers and agents, towns may appoint.

SEC. 11. Every person who shall have any money due to him from any town, or any claim or demand against any town for any matter, cause, or thing whatever, shall take the following method to obtain the same, to wit: Such person shall present to the town council of the town, and to the city council of the city, a particular account of his claim, debt, damages, or demand, and how incurred or contracted; which being done, in case just and due satisfaction is not made him by the town treasurer of such town within thirty days after the presentment of such claim, debt, damages, or demand aforesaid, such person may commence his action against the town treasurer for the recovery of the same.

Debts and claims due from towns, how to be demanded and enforced.

SEC. 12. Upon the judgment obtained for such debt, damages, or demand, in case the town treasurer shall not have sufficient of the town's money in his hands to satisfy and pay the judgment obtained and the charges expended in defending such suit, the town treasurer shall make application to any justice of the peace in the town, and thereupon the justice shall grant a warrant to the town sergeant of such town, requiring him to warn the electors of the town to hold a town meeting, at such time and place as shall be appointed, for the speedy ordering and making a tax, to be collected for the reimbursement of the town treasurer.

Judgments against, how to be satisfied.

SEC. 13. In case such town, upon due warning given them, shall not take due and effectual care to reimburse, pay, or satisfy the town treasurer the money, costs, and charges by him expended, or recovered against him, upon information or complaint thereof by him or by the person recovering the judgment named in section twelve of this chapter, made to the supreme court at any subsequent term thereof, setting forth the facts, such court may order the assessors of said town to assess upon the ratable property thereof, and the collector to collect, a tax sufficient for the payment of said judgment, with all incidental costs and charges, and the expense of assessing and collecting such tax.

Same subject.

SEC. 14. Every suit, whether in law or equity, brought by a town, shall be brought in the name of the town, unless otherwise directed specially by law.

Suits by towns in what name brought.

CHAPTER 32.

OF CALLING AND WARNING TOWN MEETINGS.

SECTION

1. Of the annual town meeting for election of town officers.
2. At what time held.
3. For what town officers, meeting may be adjourned, in case of

SECTION

- failure to elect, and for how many days.
4. Of other town meetings.
5. Town clerk to notify town meetings, directed by law.

SECTION

- 6. Other town meetings, how called and notified.
- 7. Town meetings to consider subjects which have been acted on within six months previous, how called.
- 8. Notice of town meetings prescribed by law, how given and served.
- 9. Notice of called town meetings, how given and served.

SECTION

- 10. Who to issue warrant for town meeting, in case of removal or death of town clerk.
- 11. Penalty for neglect to issue and serve warrant for town meeting.
- 12. Of special notice in warrant, for town meeting to tax or dispose of town land.

Of the annual town meeting.

SECTION 1. A town meeting shall be annually held in each town, for the election of as many town officers as are or may be by law required.

When held.

SEC. 2. Such meetings shall be held at such time as is, or may be by by-law or vote provided, unless otherwise directed by law.

When may be adjourned.

SEC. 3. If, on the day of annual election of town officers, any town shall fail to make an election of town clerk, town council, justices of the peace, or town treasurer, the meeting may be adjourned for the purpose of completing the election of those officers, but of no others, from day to day, not exceeding three days beyond the first day of meeting.

Of other town meetings.

SEC. 4. Town meetings, other than said annual meetings, shall be held at such times as are, or may be, by constitution or law required, or may be called in the manner hereinafter provided.

Town clerk to notify town meetings.

SEC. 5. Town clerks shall cause the electors of their respective towns to be notified of every town meeting which shall be prescribed by law, and also of all other town meetings which shall be legally called.

Town meetings, how called and notified.

SEC. 6. Whenever seven of the electors of any town consisting of less than three thousand inhabitants, or whenever fifteen of the electors of any town consisting of more than that number, shall make a request in writing for the calling of a town meeting, to transact any business relating to such town, in respect to which they shall have a right to vote, and direct the same to the town clerk, such town clerk shall cause the electors to be notified of the time when, and place where, the same is to be holden, and of the business proposed to be transacted therein.

How called, to act on subjects acted on within six months previous.

SEC. 7. No special town meeting shall be called without the consent of the town council, if the subject, or any of the subjects proposed to be considered at such special town meeting, shall have been acted upon by the town at any time within six months previous to the time of such proposed call.

Notice of town meetings prescribed by law, how given and served.

SEC. 8. The notice to the electors to meet in a town meeting, prescribed by law, shall be given by the town clerk issuing his warrant, directed to the town sergeant or one of the constables of such town, requiring him to post, at least seven days before the day appointed for such meeting, written notifications in three or more public places in the town, of the day and place for said meeting to be holden, and of the business required by law to be transacted therein.

Notice of called town meetings, how given and served.

SEC. 9. The notice of meetings, when called by request as aforesaid, shall be given by the town clerk issuing his warrant, directed to the town sergeant or constable, requiring him to give personal notice to the individual electors of such town, entitled to vote on the business to be then transacted, of the time when, and the place where,

said meeting is to be holden, and of the business to be transacted therein: *Provided*, that it shall and may be lawful for any town to prescribe by by-law any other mode for warning the electors of their respective towns, to convene in town meeting, anything herein to the contrary notwithstanding.

SEC. 10. Whenever any town clerk shall be removed by death or otherwise, the town treasurer of the town shall issue his warrant to warn the electors to assemble in town meeting, to choose a town clerk in the room of him so removed, which warrant shall be directed as aforesaid.

Who to issue warrant, town clerk being dead or removed.

SEC. 11. Every town clerk or town treasurer who shall neglect or refuse to issue a warrant as above directed, and each town sergeant or constable who shall neglect or refuse to serve the same, as above required, shall severally forfeit for each neglect fifty dollars; to be recovered, one half to the use of the town, and the other half to the use of the person who shall sue for the same.

Penalty for neglect to issue and serve warrant for town meeting.

SEC. 12. No vote shall be passed in any town meeting concerning the disposing of the town's land or making a tax, unless special mention be made, and notice thereof given in the warrant issued for the warning of such meeting; and the town clerk of each town shall grant such warrant, unless in cases where the law otherwise directs; which warrant shall be directed to the town sergeant, or to either of the constables of the town.

Of special notice of town meeting to tax or dispose of town land.

CHAPTER 33.

OF THE QUORUM, GOVERNMENT, AND CONDUCT OF TOWN MEETINGS, AND OF ORGANIZATION AND GOVERNMENT OF WARD MEETINGS.

SECTION

1. How many electors constitute a town meeting.
2. Moderator of, when chosen.
- 3 and 4. Wardens and ward clerks of cities, and moderators and clerks of voting districts, when and how chosen.
5. Votes for, how counted, and election of, how declared and notified.
6. Term of office of, when to commence, and how long to continue.
7. Who to preside over town, ward, and district meetings.

SECTION

8. Of election of moderator, warden, and clerk *pro tempore*.
9. Of new election of, in case of death, resignation, or inability.
10. Of power of moderator and warden.
11. Power of, over disorderly persons.
12. Moderator, how to conduct in case of a motion made.
13. Votes how to be taken in town elections, and where vote is by ballot.
14. Majority required in voting in town affairs.

SECTION 1. Whenever the inhabitants of any town do not exceed three thousand by the last preceding census, seven electors at least shall be necessary to constitute a legal town meeting; and whenever the inhabitants of any town shall exceed that number, fifteen electors at least shall be necessary to constitute such meeting: *Provided*, that whenever both the warden and clerk of any ward meeting held

How many electors constitute a town meeting.

in any city are present, they shall constitute a quorum for the opening of the polls for voting for all civil officers, except for warden and clerk.

Moderator of, when chosen.

SEC. 2. At the annual town meeting of each town, there shall be chosen a moderator, to preside in all the town meetings, for the year, and until his successor is elected, and qualified by oath.

Wardens and ward clerks of cities, and moderators and clerks of voting districts, when chosen.

SEC. 3. Wardens and ward clerks, in cities, and moderators and clerks of voting districts, shall be elected on the first Wednesday in April, in each year, and the voting for them shall continue during the whole time limited by law for voting on that day: *Provided*, that wardens and ward clerks in the city of Providence shall be elected on the second Wednesday in May of every year, and shall enter upon their duties on the first Monday of June following.

How voted for.

SEC. 4. The names of the candidates for warden or moderator, and clerk, as aforesaid, shall be written or printed upon one piece of paper; and the ballots shall be handed openly by the voter, to the warden or moderator.

Votes for, how counted, and election of, how declared and notified.

SEC. 5. The votes for warden or moderator, and clerk, shall be counted by the then warden or moderator, and clerk, and the election declared by the then warden or moderator, in open ward or district meeting; and notice of the new warden or moderator, and clerk elected, be given by the then ward or district clerk, to the city or town clerk.

Term of office of, when to commence, and how long to continue.

SEC. 6. The term of office of the warden or moderator, and clerk, as aforesaid, then elected, shall commence at the first regular ward or district meeting held thereafter for the election of officers, and shall continue until others are elected and sworn in their places.

Who to preside over town, ward, and district meetings.

SEC. 7. In all meetings of the electors or voters in a town or district, the moderator, and of a ward, the warden, shall preside, if present.

Of election of moderator, warden, and clerk, *pro tempore*.

SEC. 8. In case of his absence, or of the absence of the ward or district clerk, the town, ward, or district may elect a moderator or warden, or clerk, *pro tempore*; the town, ward, or district clerk, and in case of the absence of the town clerk, the town treasurer, presiding in such election of the moderator or warden, and the warden or moderator at such election of a ward or district clerk.

Of new election of, in case of death, resignation, or disability.

SEC. 9. In case of the death, resignation, or permanent inability of the moderator, warden, or ward or district clerk, the town, ward, or district may proceed to a new election: the meeting for such purpose being presided over in like manner as for the election of such officer *pro tempore*.

Of power of moderator and warden.

SEC. 10. Every moderator or warden shall have power to manage and regulate the business of each meeting, conforming to law, and to maintain peace and good order therein.

Power of, over disorderly persons.

SEC. 11. If any person shall conduct himself in a disorderly manner in any town, district, or ward meeting, the moderator or warden may order him to withdraw from the meeting; and, on his refusal, may order the town sergeant, or any constable present, or any other persons, to take him from the meeting and to confine him in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw shall, for each offence, forfeit a sum not exceeding twenty dollars, to the use of the town.

Moderator, how to conduct in case of a motion made.

SEC. 12. The moderator of every town meeting shall, on a motion being made and seconded, relative to any business regularly before such meeting, after having heard all the electors entitled to vote thereon who shall be desirous of being heard, cause the votes of the electors present to be taken thereon.

SEC. 13. In all town elections, and on all questions to be decided by ballot, the elector voting shall present his ballot to the moderator or warden without his name being written on the back or face of his ballot, and the votes shall be received by, and the ballot-boxes shall be in charge of, the moderators or wardens, only; and like proceedings shall be had in such cases and in all town meetings, as far as may be, as are prescribed in the first, second, twelfth, thirteenth, and fourteenth sections of chapter eight.

Vote, how to be taken in town elections, and when vote is by ballot.

SEC. 14. All questions relating to town affairs, shall be decided by a majority of the votes of the electors present, entitled to vote on the question.

Majority required in voting on town affairs.

CHAPTER 34.

OF THE ELECTION AND QUALIFICATION OF TOWN OFFICERS.

SECTION

1. What town officers, and when to be chosen.
2. Surveyors or commissioners of highways, how many and when to be chosen.
3. Justices of peace, when elected, and term of office.
4. Of return of justices chosen.
5. Of ballot for moderator and town clerk.
6. Number of town council and justices of peace to be chosen, when to be determined.
7. Order of election of members of town council.
8. Order of election of justices of peace.
9. Number of justices of peace to be chosen in cities, and towns divided into voting districts, how determined, and election of, how conducted.
10. Of ballots for members of council and justices of peace.
- 11 and 12. Of conduct of election of

SECTION

- surveyors and commissioners of highways.
13. When, and what town officers, shall and may be elected by town council.
14. When town council shall appoint surveyor of highways.
15. Mayors of cities, how and by whom elected.
16. Of ballots for mayor, aldermen, and city councilmen.
17. Envelopes prohibited in city elections.
18. Oath of town and city officers.
19. Certificate of oath.
20. Collectors of taxes to give bond.
21. Who to collect taxes in case of death, &c., of collector.
22. Town officers to serve until successors qualified.
23. Power of town council to fill vacancies in town offices.
24. Prosecuting officer not required to give surety on complaints.

SECTION 1. The electors in each town shall annually, on their town election days, choose and elect as many town officers as by the laws of this state are or shall be required; that is to say, a moderator to preside in all the meetings of the town, and a town clerk, a town council, to consist of not less than three nor more than seven members, a town treasurer, a town sergeant, a town sealer of weights and measures, one or more auctioneers, such a number of assessors of rates and taxes as may be deemed necessary: *Provided*, that the number be not less than three nor more than seven; one or more collectors of taxes, one or more corders of wood, one or more packers of fish, one or more pound keepers, a sealer of leather, and as many

What town officers, and when to be chosen.

constables, overseers of the poor, viewers of fences, gangers of casks, and all such other officers, as by law are required in such town, and as each or any town shall have occasion for, including persons to superintend the building of chimneys and placing of stoves and stove-pipes.

Surveyors or commissioners of highways, how many and when to be chosen.

SEC. 2. They shall, either on said town election day, or at the town meeting held on the first Wednesday of April for the election of general officers, annually elect as many surveyors of highways, or commissioners of highways, with the powers of surveyors, throughout the town, and such other powers in relation to highways and bridges as the town by by-law or ordinance may choose to confer upon them, as the town may have occasion for.

Justices of the peace, when chosen, and term of office.

SEC. 3. Justices of the peace chosen by any town, shall be chosen at the time of electing town officers, and shall hold their offices for one year.

Of return thereof.

SEC. 4. The town clerk shall forthwith make a return of the justices so chosen, to the secretary of state.

Of ballot for moderator and town clerk.

SEC. 5. If a vote by ballot be demanded in the election of a moderator or town clerk, a separate vote shall be taken in each case.

Number of town council and justices, to be first determined.

SEC. 6. Before the election of members of the town council or justices of the peace is begun at the annual town meeting, the electors shall first determine the number of such officers to be elected.

Order of election of town council, and

SEC. 7. The members of the council shall be chosen next in order after the election of town clerk; and in choosing them, the vote, whether by ballot or otherwise, shall be taken for the whole number at the same time; and if by ballot, the names of all the persons voted for by any one elector shall be placed upon one ballot.

of justices of the peace.

SEC. 8. The justices of the peace shall be next chosen, and in the same manner; but the ballots for the members of the town council, justices of the peace, and for any other officers, may be delivered to the moderator at the same time, if so ordered by the town.

Of election of justices in cities, and towns divided into voting districts.

SEC. 9. In cities, the number of justices of the peace to be elected shall be fixed by the city councils, and in towns divided into districts for the purpose of voting, by the town councils, and the voting shall be conducted, in all respects, as is prescribed by law for the voting for senators and representatives in said cities and towns.

Of ballots for members of council and justices.

SEC. 10. In case of a ballot for members of council or justices of the peace, the names shall be numbered upon the ballots, and in counting them, the places numbered shall be considered as separate places.

Of election of surveyors of highways, and

SEC. 11. In the election of surveyors of highways, the districts shall be called over by the moderator in the order of their number, and the surveyors for those districts be first elected, in regard to whom no ballot is demanded.

commissioners of highways.

SEC. 12. Commissioners of highways, whether chosen by ballot or otherwise, shall be chosen in the same manner as members of the council.

When, and what town officers, shall and may be elected by town council.

SEC. 13. In case any town shall, on the day of any such annual election, or in the case of surveyors of highways, on the first Wednesday of April, fail to elect any of the officers which they may lawfully choose, except town clerk, council, justices of the peace, and treasurer, the said officers shall be elected by the town council of the town at their next meeting: *Provided*, however, that town councils may postpone the election of any of said officers to some future meeting; and the several towns shall have full power to delegate to their respective councils the election of any of the officers which such

town may lawfully choose, except town clerk, council, justices of the peace, and treasurer.

SEC. 14. If any surveyor of highways shall not signify his acceptance of his appointment, to the town clerk of said town, within twenty days after his election, the town council shall appoint another surveyor in his place.

When council shall appoint surveyor of highways.

SEC. 15. Mayors of cities shall be elected by a majority of the electors voting for the candidates for said office, qualified to vote in the election of general officers.

Mayors of cities, how and by whom elected.

SEC. 16. Names of the candidates for mayor, for aldermen, and for city councilmen in said cities, shall be respectively written or printed on separate ballots.

Of ballots for mayor, aldermen, and city councilmen.

SEC. 17. No envelopes shall be used in the election of mayor, aldermen, common council, wardens, or ward clerks of said cities.

Envelopes prohibited.

SEC. 18. Unless some other form of engagement be specially by law prescribed, every person elected to any town or city office, whether by the town, city council, or board of aldermen, or town council, and every moderator and warden, and ward and district clerk, shall take the following engagement before he shall act therein, before a senator, judge, justice of the peace, notary public, the town clerk, the town council, or a member of the town council: You

Oath of town and city officers.

do solemnly swear (or affirm) that you will be true and faithful unto this state, and support the laws and constitution thereof, and the constitution of the United States; and that you will well and truly execute the office of _____ for the ensuing year, or until another be engaged in your place, or until you be legally discharged therefrom; so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.)

SEC. 19. The officer administering the oath shall make and deliver to such officer a certificate of the taking of such oath.

Certificate of oath.

SEC. 20. Every collector of taxes shall give bond, with sufficient surety, to the town treasurer of the town for which he is chosen, in such sum as the said town or the town council of said town may appoint, not exceeding double the amount of the tax with the collection of which he shall be charged, for the faithful performance of such trust.

Collector of taxes to give bond.

SEC. 21. In case of the death, resignation, or removal, of any collector of taxes, the collector who may be appointed to complete the collection thereof, shall have the same power to collect the same as is by law given to the collector first appointed.

Who to collect taxes, in case of death, &c., of collector.

SEC. 22. All town officers shall hold their offices until the next annual election of town officers, and thereafter until their successors shall be qualified by law to act; unless in cases in which it is expressly provided to the contrary.

Town officers to serve until successors qualified.

SEC. 23. Whenever a vacancy shall occur in any office by death, removal out of the town, or resignation, the town council may fill the same until the next town meeting, for the election of such officers.

Power of town council to fill vacancies.

SEC. 24. Officers elected by a town to prosecute for a violation of its ordinances, by-laws, and regulations shall not be required to give surety for costs upon complaints made by them therefor, but such town shall be directly liable to the state for costs incurred in such prosecution.

Prosecuting officers not required to give surety on complaints.

CHAPTER 35.

OF THE TOWN COUNCIL.

SECTION

1. Quorum of town council, and what majority of, decides.
2. General power of town council.
3. Town councils to appoint weighers of slaughtered cattle.
4. May appoint field drivers.
5. May appoint inspector of saleratus, soda, and cream of tartar.
6. To appoint surveyors of lumber.
7. To elect town officers in case of vacancy.
8. Clerk of council, who, and of clerk *pro tempore*.
9. Town council to elect town clerk *pro tempore*, when.
10. To remove surveyors of highways, when.
11. Powers of, as boards of health.
12. To affix penalties to health laws.
13. To license or suppress shows or performances.
14. To tax or suppress bowling alleys and billiard tables.
15. To license owners of houses, rooms, or halls, so permit exhibitions therein.
16. To settle assize of bread.

SECTION

17. To offer rewards for apprehension of criminals.
18. To make police regulations.
19. Penalties of police regulations.
20. To regulate the construction of doors, &c., of lecture rooms, halls, &c.
21. To prescribe time of closing shops, saloons, &c.
22. Restriction on penalties of ordinances and regulations of.
23. Of publication of ordinances of.
24. Power of, to appoint officers to execute ordinances of.
25. Town councils may elect special constables.
26. Such constables to attend school or meeting, when, and duties of.
27. Town councils may elect police constables. Powers of.
28. Town councils may hold land in trust for burial uses.
29. Power of, and of members of, to administer oaths.
30. Bonds to town council, how given.
31. Appeal from decree of, how taken.

Quorum of town council; what majority decides.

SECTION 1. A majority of the persons elected members of any town council shall be a quorum; and a majority of the members present at any legal meeting may determine any matter legally before them.

General power of town council.

SEC. 2. The council of each town shall have full power to manage the affairs and interests of such town, and to determine all such matters and things as shall by law come within their jurisdiction.

Town councils to appoint weighers of slaughtered cattle.

SEC. 3. The town councils of the several towns and cities shall, annually, in the month of April, appoint, — the board of aldermen of Providence, not less than six; of Newport, not less than three; and the town councils of all other towns, not less than two persons, for the purpose of weighing neat-cattle slaughtered for sale in their respective towns.

May appoint field drivers.

SEC. 4. They may appoint one or more field drivers for their respective towns, with the same power to impound animals as the freeholders and qualified voters of the towns have.

May appoint inspector of saleratus, &c.

SEC. 5. The town councils of the several towns may appoint an inspector of saleratus, bi-carbonate of soda, and cream of tartar, for each of their respective towns.

To appoint surveyors of lumber.

SEC. 6. The town councils of all towns, where boards, plank, timber, joist, and scantling are imported for sale, shall, annually, on or before the first day of March, appoint one or more surveyors and

measurers of boards, plank, timber, joist, and scantling, removable at the pleasure of the council, who shall each be engaged, and give bond, with two sureties, in the sum of five hundred dollars, to the town treasurer, for the faithful discharge of the duties of said office.

SEC. 7. In case of vacancy in the office of any officer, whom a town or town council is authorized to elect, the town council may elect a suitable person to fill such vacancy.

To elect town officers in case of vacancy.

SEC. 8. The town clerk shall be clerk of the council; but whenever any town clerk shall not appear at the time and place appointed for the meeting of the town council, the town council may appoint a clerk *pro tempore*, who, after being duly engaged, shall do and perform all the duties enjoined by law on the town clerk, as clerk of the council.

Clerk of council, who, and of clerk *pro tem*.

SEC. 9. Whenever it shall satisfactorily appear to the town council that the town clerk is disqualified, from any cause whatsoever, to exercise and perform the several duties of said office, they may and shall appoint a clerk, *pro tempore*, who shall be duly qualified as aforesaid, and shall be authorized to perform all the duties of town clerk, until such disability of the town clerk is, in the opinion of the town council, removed, or until a town clerk may be legally elected by the town.

Town council to elect clerk *pro tem.*, when.

SEC. 10. In case of the incapacity of any surveyor of highways, or of any tyrannical and unwarrantable exercise by him of the powers of his office, the town council may, after giving him such notice as they may deem reasonable, either suspend or altogether remove him from his office, and appoint another in his place.

To remove surveyors of highways, when.

SEC. 11. The several town councils and boards of aldermen shall be *ex officio* boards of health in their respective towns, and may make such rules and regulations, not repugnant to law, as they shall judge proper, for the preservation of the health of the inhabitants thereof, the prevention and abatement of nuisances, the promotion of cleanliness, the removal of the causes and the prevention of the introduction and spread of any contagious or infectious disease therein; either by removing the inhabitants of their respective towns, or forbidding or regulating ingress or egress of persons to and from the same, or any parts thereof, or otherwise; and, in case of sea-port towns, by making rules and regulations respecting quarantine.

Powers of, as-boards of health.

SEC. 12. They shall affix penalties for the breach of such rules and regulations by them made in their said capacity, not exceeding three hundred dollars fine, or six months imprisonment, for any one offence, unless otherwise provided by law, said fine to enure, one half thereof to the use of the complainant, and the other half thereof to the use of the town.

To affix penalties to health laws.

SEC. 13. The town councils and boards of aldermen may license, regulate, and if they shall find it expedient, prohibit and suppress, theatrical performances, rope and wire dancing, and all other shows and performances in their respective towns, conforming to law.

To license and suppress shows and performances.

SEC. 14. They may tax, regulate, and if they shall find it expedient, prohibit and suppress, bowling alleys and billiard tables in their respective towns, conforming to law.

To tax or suppress bowling alleys and billiard tables.

SEC. 15. They may grant a license, for a term not exceeding one year, under such restrictions and regulations as they shall think proper, to the owner of any house, room, or hall in the town, for the purpose of permitting exhibitions therein, which license shall be revocable at the pleasure of said town council.

To license owners of houses, &c., to permit exhibitions therein.

To settle assize of bread.

SEC. 16. They may make ordinances, by-laws, and regulations for settling the assize of baker's bread in their respective towns, not contrary to the laws of the state: *Provided*, the penalty for any breach of the same shall not exceed five dollars, or the forfeiture of the bread not made in conformity thereto.

To offer rewards for apprehension of criminals.

SEC. 17. Every town council, or mayor of any city acting with the advice of the board of aldermen thereof, may offer a suitable reward, not exceeding five hundred dollars in any one case, for the detention, apprehension, and conviction of any offender committing a high crime or misdemeanor within the limits of their respective towns or cities, to be paid by the town or city treasurer upon the order of the town council or mayor and aldermen, out of any funds of the town or city not otherwise specifically appropriated.

To make police regulations.

SEC. 18. Town councils and city councils may from time to time make and ordain all ordinances and regulations for their respective towns, not repugnant to law, which they may deem necessary for the safety of their inhabitants from fire, firearms, fire-works, explosion of gunpowder from the quantity of or mode or place of storing the same, to prevent persons standing on any footwalk, sidewalk, doorstep, or in any doorway, or riding, driving, fastening, or leaving any horse, or other animal, or any carriage, team, or other vehicle, on any such footwalk, sidewalk, doorstep, or doorway, within such town, to the obstruction, hinderance, delay, disturbance, or annoyance of passers by or of persons residing or doing business in the vicinity thereof, to prevent the indecent exposure of any one bathing in any of the waters within their respective towns; against breakers of the Sabbath; against habitual drunkenness; to regulate the speed of driving horses and cattle over bridges; respecting the purchase and sale of merchandise or commodities within their respective towns and cities; and, generally, all other ordinances, regulations, and by-laws for the well ordering, managing, and directing of the prudential affairs, and police of their respective towns, not repugnant to the constitution and laws of this state, or of the United States.

Penalties of police regulations.

SEC. 19. They may impose penalties for the violation of such ordinances and regulations, not exceeding in amount twenty dollars, or imprisonment not exceeding ten days, in some jail or house of correction, for any one offence, unless other penalties therefor, or penalties within other limits, are specially prescribed by statute, to be prosecuted by some officer appointed for that purpose, and to be recovered to the use of the town, or of such person or persons, and in such proportions, as they, in their said ordinances and regulations, may designate.

To regulate the construction of doors, &c., of lecture rooms, halls, &c.

SEC. 20. Town councils and city councils shall make, ordain, and establish such ordinances, by-laws, and regulations, in relation to the manner of constructing the doors, stairways, and entrances to buildings, lecture rooms, and halls used for public amusements, lectures, or addresses in their respective towns and cities, and in relation to the use of such buildings, lecture rooms, and halls, as they may judge the public safety may require; and may provide in such ordinances, by-laws, and regulations, for penalties for the violation thereof, not less than one hundred dollars nor more than five hundred dollars for any one offence, to be recovered by action on the case before any court of competent jurisdiction, to the use of the town or city in which such offence was committed.

To prescribe time of closing shops, saloons, &c.

SEC. 21. Town councils and city councils may pass ordinances, by-laws, and regulations as they may think proper, in relation to the

time of closing shops, saloons, and other places of resort in the evening, within the limits of their respective towns or cities, and may prescribe penalties for the violation thereof, not exceeding twenty dollars for each offence.

SEC. 22. No ordinance or regulation whatsoever, made by a town council, shall impose, or at any time be construed to continue to impose, any penalty for the commission or omission of any act punishable as a crime, misdemeanor, or offence, by the statute law of the state.

Restrictions on penalties of ordinances.

SEC. 23. All such ordinances, by-laws, and regulations shall be printed and published in such manner as the town council may direct.

Publication of.

SEC. 24. They may appoint all necessary officers for the execution of their said ordinances, by-laws, and regulations; may define their duties, and fix their compensation, where provision may not be made by law, and may remove any such officers at pleasure; but no expense of process, commitment, or detention, under such ordinances and regulations, shall be chargeable to the state.

Town councils may appoint officers to execute ordinances of.

SEC. 25. Every town council may elect for such time, not exceeding one year, as they may determine, one or more special constables, who shall be commissioned and engaged, but shall not be required to give bond.

May elect special constables.

SEC. 26. Such special constable shall, upon the request of any citizen, and upon being tendered the sum of thirty cents for each hour of service required, attend any school or meeting lawfully assembled, for the purpose of preventing any interruption or disturbance therein, and may arrest without warrant and detain not exceeding six hours, any person found by him in the act of wilfully interrupting or disturbing such school or meeting, and may, in like manner with other constables, command all necessary aid in the execution of the duties of his office.

Constables to attend school or meeting, when, and duties.

SEC. 27. The town councils of the several towns may elect such number of police constables for their respective towns, as they may deem expedient, who shall not be required to give bond, nor shall they be authorized to serve civil process for the collection of debts, but in all other matters they shall have the same power and authority as other constables; and they shall continue in office during the pleasure of the council, and no longer: *Provided*, that they shall not remain in office by virtue of the election of a council, after the expiration of the political year for which such council was elected.

Town councils may elect police constables.

Powers of.

SEC. 28. They may take and hold to them and their successors in office, all such lands within their respective towns, as shall be conveyed to them in trust for burial purposes, and, in like manner, may receive and hold all funds that shall be conveyed to them for the purpose of ornamenting or keeping in repair such burial lots, and execute said trusts in accordance with the terms contained in the instruments of conveyance.

Town councils may hold land in trust for burial uses.

SEC. 29. The town council of any town, and each of the members thereof, may administer oaths in any matter pending before the council, and may engage town officers upon their warrants or commissions, and a record shall be made, or a certificate given, of such engagements.

Power of, and of members of, to administer oaths.

SEC. 30. In every case where bonds are required by law to be given to any town council, they may be given to the town council by name as such, without naming the individuals at the time constituting such council, and be sued in like manner.

Bonds to town council, how given.

Appeal from decree of, how taken.

SEC. 31. Any party aggrieved by the judgment or decree of a town council, may appeal within forty days after the entering up of such judgment or decree, and not thereafter, unless the time of taking such appeal is otherwise provided by law.

CHAPTER 36.

OF THE TOWN CLERK.

SECTION

1. Of bond of town clerk.
2. May appoint deputies, and powers and qualification of deputies.
3. Responsibility for deputies; may take bonds from them.

SECTION

- 4 and 5. Town clerk where to be twenty days preceding certain elections, and penalty for absence, unless he appoint a deputy.

Of bond of town clerk.

SECTION 1. Every town clerk shall, within thirty days of the time of being sworn into office, give bond to the town treasurer of the town, with sufficient surety or sureties, in such sum as the town council of such town shall prescribe, conditional for the faithful performance of the duties of his office.

May appoint deputies, their powers and duties.

SEC. 2. Town clerks may, by and with the approbation of the town council, appoint a deputy, whenever such appointment shall be rendered necessary by the sickness of the town clerk, or when he is otherwise compelled to be absent from his office; and such deputy, so appointed, shall perform all the duties which are incumbent on the town clerk, being thereunto qualified by taking the oath of office.

Responsibility for deputies.

SEC. 3. Every town clerk appointing a deputy as aforesaid, shall be responsible for the good conduct of the deputy; and may take bond with surety in such penalty as he may require, conditioned for the faithful discharge of the duties of the office during the time which such deputy shall exercise the same; and such clerk may revoke such appointment and cancel such bond, at his discretion.

May take bonds from them.

Town clerk, where to be twenty days before certain elections, and,

SEC. 4. If any town clerk shall absent himself from his office between nine o'clock in the forenoon and twelve o'clock at noon, or between two and five o'clock in the afternoon, of any day except Sunday, within twenty days next preceding any meeting held for the annual election of state or town officers, representatives in congress, or electors of president and vice-president of the United States, he shall appoint a deputy clerk, whose duty it shall be to attend the office during such absence, and perform all the duties thereof.

penalty for absence without appointing deputy.

SEC. 5. Every town or city clerk who shall refuse or wilfully neglect to appoint a deputy when absent as last aforesaid, shall be fined one hundred dollars.

CHAPTER 37.

OF THE TOWN TREASURER.

SECTION

- 1. Of bond of town treasurer.
- 2. Of his statement of, and vouchers for, his accounts.
- 3. Of his settlement of his accounts.

SECTION

- 4 and 5. Duty to give copies of his statement and vouchers, when, and penalty for neglect to make.

SECTION 1. Every town treasurer, before he shall proceed to discharge the duties of his office, shall give bond to the town for which he is appointed, in such sum, and with such surety, as shall be satisfactory to the town council thereof, conditioned for the faithful discharge of the duties of said office.

Of bond of town treasurer.

SEC. 2. Town treasurers shall, at some annual town meeting, make a statement of their accounts in writing, showing the several sums received and paid by them during the previous year, and showing in detail the persons to whom, and the purpose for which, the payments were made.

Of his statement of, and vouchers for, his account.

SEC. 3. Such accounts shall be settled annually by the town council, or in such other way as the towns may severally direct; and when settled, the treasurer shall retain all his vouchers or receipts for the payments charged in such account, to be kept on file with the other papers of his office.

Of his settlement of his accounts.

SEC. 4. Every person paying taxes on real or personal estate in the town, shall be entitled to certified copies of such statement of accounts, and of any of such vouchers, from the town treasurer, upon payment to him therefor of the fees for copying and certifying, allowed to town clerks for like services.

When to give copies of his statement and vouchers.

SEC. 5. Every town treasurer who shall neglect to make the annual statement as above required, shall forfeit and pay to the town the sum of one hundred dollars, for every such neglect.

Penalty for neglect to make.

TITLE VIII.

OF THE LEVY, ASSESSMENT, AND COLLECTION OF TAXES.

CHAPTER 38. Of property liable to and exempt from taxation.

CHAPTER 39. Where and to whom property is taxable.

CHAPTER 40. Of the levy and assessment of taxes.

CHAPTER 41. Of the collection of taxes.

CHAPTER 42. Of state taxes

CHAPTER 43. General provisions concerning taxes.

CHAPTER 38.

OF PROPERTY LIABLE TO AND EXEMPT FROM TAXATION.

SECTION

1. Property liable to taxation.

SECTION

2. Property exempt from taxation.

Property liable to taxation.

SECTION 1. All real property in the state, and all personal property belonging to the inhabitants thereof, shall be liable to taxation unless otherwise specially provided.

Property exempt from taxation.

SEC. 2. The following property and no other shall be exempt from taxation: property belonging to the state; land ceded or belonging to the United States; houses for schools, academies, and colleges, and all the appurtenances thereto belonging, owned by any town, company, or corporation, and the land used in connection therewith, so far as the same are held, occupied, and used for, and the rents and profits thereof are applied to, educational purposes; the estates, persons, and families of the president and professors, for the time being, of Brown University, for not more than ten thousand dollars for each of such officers, his estates, person, and family, included; property specially exempted by charter, unless such exemption shall have been waived in whole or in part; lots of land used exclusively for burial grounds; lands of the Narragansett tribe of Indians, held by the tribe or in severalty according to their usages, but not including any land owned in fee simple by a member of the tribe: *Provided*, that such land shall not be liable to taxation for the support of the poor or the erection or repair of school-houses, or the support of public schools; the property, real and personal, held for or by any incorporated library society, or any free public library, or any free public library society; houses for religious worship and the land used in connection therewith, and the property, real and personal, not exceeding twenty thousand dollars in value, held for or by any church or incorporated religious society, or incorporated charitable society; almshouses and the land and buildings used in connection therewith, except that almshouse estates, when belonging to the town, shall be subject to taxation for school purposes in the school districts in which they are situated; the estate of any person who, in the judgment of the assessors, is unable from infirmity or poverty to pay the tax; the bonds and other securities issued by the government of the United States.

CHAPTER 39.

WHERE AND TO WHOM PROPERTY IS TAXABLE.

SECTION

1. Real estate, where taxed.
2. Buildings on leased land deemed real estate.
3. Main wheel, steam-engine, boilers, &c., when deemed real estate.
4. Real estate to be assessed to the

SECTION

- owners; each parcel to be valued.
5. Mortgagor in possession deemed the owner of real estate.
6. Tenant for life deemed the owner.
7. Undivided real estate of persons

SECTION

- deceased, to whom assessed, until record or notice of division.
- 8. Real estate assessed by mistake, when liable for tax.
- 9. Personal property, where taxed.
- 10. Personal property, what included for purposes of taxation.
- 11. Machinery and fixtures of certain kinds, and live stock and farming tools on farms, where taxed.
- 12. Personal property held in trust,

SECTION

- the income of which is paid to others, how, where, and to whom assessed.
- 13. Other personal property in the hands of executors, guardians, &c., where and to whom taxed.
- 14. Religious and benevolent societies, personal property of, where taxed.
- 15. National bank shares of non-residents of this state, where taxed.

SECTION 1. All real estate shall be taxed in the town where the same is situated.

SEC. 2. Buildings on leased land, the leases whereof are in writing and recorded, shall, for the purposes of taxation, be deemed real estate.

SEC. 3. The main wheel, steam engine, boilers and shafts, whether upright or horizontal, drums, pulleys, and wheels attached to any real estate for operating machinery, and all steam pipes, gas pipes, water pipes, gas fixtures, and water fixtures, attached to, and all kettles set and used in any manufacturing establishment, are declared to be real estate when owned by the owners of the real estate to which they are attached.

SEC. 4. Taxes on real estate shall be assessed to the owners, and separate tracts or parcels shall be separately described and valued as far as practicable.

SEC. 5. The mortgagor shall be deemed to be the owner of mortgaged real estate, so long as the same is in his possession.

SEC. 6. Estates in possession of a tenant for life may be taxed to the tenant for life, who, for the purposes of taxation, shall be deemed the owner.

SEC. 7. Undivided real estate of any deceased person may be assessed to the estate, or heirs, or devisees of the deceased, generally, until a record of a division be made, or until they give notice to the assessors of the division, and of the names of the persons holding the portions thereof; and each heir or devisee shall be liable for the whole of the tax, and shall have a lien therefor on the shares of his associate heirs or devisees in said estate, for their proportion of said tax, if paid by him.

SEC. 8. If, in assessing real estate, the same be assessed by mistake to a person not the owner, such tax may nevertheless be collected from such real estate: *Provided* the same be described so as to be identified, and the party having the record title have notice of such assessment.

SEC. 9. All ratable personal property shall be taxed in the town in which the owner shall have had his actual place of abode for the larger portion of the twelve months next preceding the first day of April in each year, unless otherwise provided. Merchandise, stock in trade, lumber and coal, stock in livery stables, machinery and machine tools, being in buildings or on wharves, or otherwise permanently located in any town, and belonging to persons not residing in this state, shall be taxed to the owner in the town where the property may be when the tax is assessed.

Persons residing in this state, and owning property of the descrip-

Real estate, where taxed.

Buildings on leased land deemed real estate.

Main wheel, steam-engine, boilers, &c., when deemed real estate.

Real estate assessed to owners, &c.

Mortgagor in possession deemed owner. Tenant for life deemed owner.

Undivided real estate of persons deceased, to whom assessed, until record or notice of division.

Real estate assessed by mistake, when liable for tax.

Personal property, where taxed.

tion above mentioned, located in and taxable in any other state, shall not be taxed therefor in this state.

Personal property, what included for purposes of taxation.

SEC. 10. Personal property for the purposes of taxation shall be deemed to include all goods, chattels, debts due from solvent persons, moneys, and effects wherever they may be; all ships or vessels at home or abroad; all public stocks and securities, except those issued by the government of the United States; all stocks or shares in any bank or banking association; in any turnpike, bridge, or other corporation within or without the state, except such as are exempted from taxation by the laws of this state: *Provided*, that no shareholder shall be liable to taxation for shares held in any corporation within this state which in its corporate capacity is taxed within the state for an amount equal to the value of its property: and *provided*, that no person shall be liable to taxation, except upon the surplus of the ratable personal estate owned by him, over and above his actual indebtedness.

Certain fixtures, machinery, live stock, and farming tools on farms, where taxed.

SEC. 11. The fixtures enumerated in the third section of this chapter; all picking, carding, spooling, drawing, spinning, and reeling frames, dressing and warping machines, looms, tools, and machines of all sorts, propelled by steam or water power in any factory, machine shop, print works, or manufacturing establishments of any kind, and all live stock and farming tools on farms, shall be taxed to the owner in the town where they are situated, in the same manner as if he resided there.

Personal property held in trust, where and to whom assessed.

SEC. 12. All personal property held in trust by any executor, administrator, or trustee, the income of which is to be paid to any other person, shall be assessed against the executor, administrator, or trustee, in the town where such other person resides; but if such person resides out of the state, then in the town where the executor, administrator, or trustee resides; and if there be more than one such executor, administrator, or trustee, then in equal proportions to each of such executors, administrators, and trustees, in the towns where they respectively reside.

Personal property in hands of executors, guardians, &c., where taxed.

SEC. 13. All other personal property in the hands of executors or administrators, shall be taxed to them in the town where the deceased person resided, and all such property in the hands of guardians, shall be taxed to them in the town where the ward resides, if in this state, and if not, in the town where the guardian was appointed.

Property of religious, &c., societies, where.

SEC. 14. The personal property liable to taxation, of any religious or benevolent society, shall be taxed in the town where the corporation holds its meetings.

National bank shares of non-residents, where.

SEC. 15. The shares in national banking associations held by persons residing without the state, shall be taxed in the town in which such banking association is located.

CHAPTER 40.

OF THE LEVY AND ASSESSMENT OF TAXES.

SECTION

1. Electors may levy a tax, and order time of assessment and payment.
2. Assessors to assess all taxes legally ordered.
3. Property to be assessed at its cash value.
4. Assessment, when to be made.
5. Bank cashiers to furnish assessors with list of stockholders and amount of their stock.
6. Assessors to give notice to bring in lists of property.
7. Accounts brought in to be under oath; no remedy for over tax in case of neglect.
8. Assessors to make a list of all the ratable property in the town, and assess real and personal estate separately.
9. Taxes assessed, a lien on shares of non-residents in national banks. Officers of national banks not to

SECTION

- transfer taxed shares, and penalty therefor. Corporations to make returns of amount of stock, &c., to assessors of taxes. Shares in corporations, how taxed.
10. Assessors may assess at its fair cash value the property of persons bringing in an account.
11. Remedy of such persons if over taxed, by petition.
12. If true account was given in, judgment to be for the amount over taxed, with costs.
13. Petition not to stay proceedings for collection.
14. Assessment to be deposited in the office of the town clerk.
15. Town clerk to deliver copy to the town treasurer.
16. Town treasurer's warrant for collection of taxes.
17. Proceedings of assessors in city of Providence.

SECTION 1. The electors of any town, qualified to vote upon a proposition to impose a tax, when legally assembled, may levy a tax for the purposes authorized by law, on the ratable property of the town, either in a sum certain, or in a sum not less than a certain sum, and not more than a certain sum, or in a certain percentage on the valuation of such property to be made by the assessors of the town; and may order the time when such tax shall be assessed, and when the same shall be paid.

Electors may levy a tax, and order time of assessment and payment.

SEC. 2. Assessors and boards of assessors in the several towns and cities, shall assess all taxes legally ordered under such rules and regulations, not repugnant to law, as the towns, and city councils respectively, shall from time to time prescribe.

Assessors to assess all taxes legally ordered.

SEC. 3. All property liable to taxation shall be assessed at its full and fair cash value.

Property, how assessed.

SEC. 4. The assessors shall assess and apportion any tax on the inhabitants of the town and the ratable property therein, at the time ordered by the town.

Assessment, when to be made.

SEC. 5. The cashier of every bank or national banking association shall furnish to the assessors of the town where such bank or banking association is located, upon their written request, within twenty days after the demand by the assessors of the town in which such bank is located, therefor, a list of all stockholders in such bank or national banking association not residing within the state, together with the amount of stock in such bank or banking association, held by such stockholders respectively.

Bank cashiers to furnish assessors list of stockholders and stock.

SEC. 6. Before assessing any tax, the assessors shall post up printed notices of the time and place of their meeting, in three public places

Assessors to give notice to bring in lists of property.

in the town, for three weeks next preceding the time of such meeting, and advertise in some newspaper printed or published in the town, if any there be, for the same space of time. Such notices shall require every person and body corporate liable to taxation to bring in to the assessors a true and exact account of all his ratable estate, describing and specifying the value of every parcel of his real and personal estate, at such time as they may prescribe.

Accounts to be under oath; no remedy for over tax in case of neglect.

SEC. 7. Every person bringing in any such account, shall make oath before some one of the assessors, that the account by him exhibited contains, to the best of his knowledge and belief, a true and full account and valuation of all his ratable estate; and whoever neglects or refuses to bring in such account, if overtaxed shall have no remedy therefor.

Assessors to make a list of the ratable property, &c.

SEC. 8. The assessors shall make a list containing the true, full, and fair cash value of all the ratable estate in the town, placing real and personal estate in separate columns, and distinguishing those who give in an account from those who do not; and shall apportion the tax accordingly.

Taxes assessed, a lien on shares of non-residents in national banks. Transfer of taxed shares prohibited.

SEC. 9. The taxes which may from time to time be assessed under the provisions of this act, upon shares in national banking associations, held by persons not residing within this state, shall constitute and remain a lien upon any such shares, and upon the dividends thereon, until all such taxes are paid, and no cashier, or other officer of any such banking association, shall permit the transfer of any share of stock taxed under the provisions of this act, or the payment of any dividend thereon, until all taxes assessed thereon shall have been paid, and said lien shall attach at and from the time said tax shall be assessed by any town or city. The assessors of the several towns, cities, and school districts of the state, whenever they shall assess a tax upon the stockholders of any bank who are non-residents of the state, shall immediately notify said bank of such assessments, with the amount assessed to each of its stockholders.

Penalty.

Every cashier or other officer of any national banking association, who shall fail to comply with, or violate any of the provisions of this section, shall, on conviction thereof, be fined not exceeding five hundred dollars for every such offence.

Of return of stock, &c., by corporations to assessors.

The assessors of any town may, by written demand, require any corporation in this state to make return to them in writing, within twenty days after such demand is made, of the amount and par value of the stock owned in such corporation by any stockholder, residing in the town represented by such assessors, the name of such stockholder being specified in such written demand; and if any corporation shall refuse or neglect, after such demand, to make such return within the time aforesaid, they shall forfeit the sum of one hundred dollars for the use of the town whose assessors make such demand, to be recovered of such corporation by an action of debt, in the name of the treasurer of such town.

Shares in, how taxed.

All corporations which are by law required to make returns to the assessors of any town, shall return the par value and the cash market value of the shares of said corporation, and the proportionate amount per share at which its real estate and machinery, if any, was last assessed, and the stockholders in any corporation or national banking association shall be taxed only for the difference between the cash market value of each share by them held, and the proportionate amount per share at which its real estate and machinery, if any, was last assessed.

SEC. 10. If any person shall bring in an account as aforesaid, the assessors shall nevertheless assess such person's ratable estate at what they deem its full and fair cash value.

SEC. 11. Any person aggrieved thereby may, within six months after the time appointed for the payment of such tax, petition the supreme court or court of common pleas for the county, for relief from such assessment, which court shall give reasonable notice to the assessors to answer the same, and if on trial it shall appear that such person has concealed or omitted any property from his account, or has not placed a fair value thereon, the assessors shall have judgment and execution for their costs.

SEC. 12. If it shall appear to the court that a true account was given in, they shall give judgment that the sum in which such person was over taxed, with his costs, be deducted from his tax ; but if such person's tax be paid, or if the amount over taxed and costs be more than the tax, then the same, or the overplus, shall be paid by the town treasurer out of the treasury, on producing a copy of the judgment.

SEC. 13. No such petition shall, before judgment, stay any proceedings for collecting the tax.

SEC. 14. The assessors, on completing the assessment as aforesaid, shall date, sign, and deposit the same, in the office of the town clerk.

SEC. 15. The town clerk shall make a copy of the same, and deliver it to the town treasurer.

SEC. 16. The town treasurer shall forthwith issue a warrant under his hand, and which need not be under seal, and affix the same to said copy, directed to the collector of taxes of the town, commanding him to proceed and collect the several sums of money therein expressed, of the persons and estates liable therefor, by the time directed by the town, and to pay over the same to him or to his successor in office.

SEC. 17. In lieu of the provisions of the last three sections, the board of assessors in the city of Providence shall, on completing the assessment, date, sign, and deliver a certified copy thereof to the city treasurer of said city, who shall proceed to collect said taxes, at the time and in the manner provided by law, and by order of the city council of said city.

Assessors may assess property of persons rendering account.

Remedy of such persons, if over taxed.

Judgment, if true account was given in.

Petition, not to stay proceedings.

Disposition of assessment.

Copy to go to town treasurer.

Town treasurer's warrant for collection of taxes.

Proceedings of assessors in city of Providence.

CHAPTER 41.

OF THE COLLECTION OF TAXES.

SECTION

1. Collector to collect and pay taxes to the town treasurer.
2. Taxes assessed, a lien on real estate.
3. Lien, how long to continue.
4. Buildings on leased land, lien not affected by removal.
5. Check on a bank, received by the collector, not to affect lien on property.
6. Reats and profits, growing wood, or the land, may be sold to pay

SECTION

- tax, when and how ; surplus to whom to be paid.
7. Tax may be collected from either real or personal estate.
8. Tenant for life, his interest first liable for tax.
9. Collector may advertise and sell.
10. Real estate may be sold after notice ; notice, how given.
11. Notice, how given in case of residents.
12. Notice to persons not taxed who

SECTION

- have an interest in the property taxed.
13. If such persons are non-residents, a copy of the notice to be sent by mail.
 14. Entry upon the land not necessary; return to be made to town clerk under oath; effect of return.
 15. Deed of real estate sold by collector or sheriff for taxes, what title vested thereby in the purchaser.
 16. Owner may redeem within one year.
 17. Collector may distrain and sell personal property.
 18. Property exempt from distraint.
 19. Sales of personal property; notice of, how given.
 20. Same subject.
 21. Property to be sold by auction if tax is not paid.
 22. Surplus to be returned to the owner.
 23. Collector may remove personal property for sale.
 24. Collector may follow persons or property to another town.

SECTION

25. Sales may be adjourned.
26. Collector may recover tax in an action of the case.
27. Judgment in such cases; execution, how to issue; effect of levy.
28. Collector may cite the attorney, agent, &c., or debtor, if the person taxed is out of the state.
29. Warrant of distress to issue if the person cited neglects to appear.
30. Payment of the tax to bar any action by the absent person.
31. Town treasurer may call special court upon collector and sureties.
32. Execution in such cases, how issued and served.
33. Alias execution to be issued against sureties, if estate of collector is insufficient.
34. Warrants for collecting taxes to continue in force until the tax is collected.
35. Collector may require aid.
36. Collector may be removed.
37. City treasurer of Providence, to act as collector of taxes.

Collector to collect and pay taxes to town treasurer.

SECTION 1. The collector of taxes of the town shall collect any tax levied by the town, by the time directed for the payment thereof, and shall pay over the same to the town treasurer, or his successor in office, by the time limited therefor.

Taxes a lien on real estate.

SEC. 2. All taxes assessed against any person in any town for either personal or real estate, shall constitute a lien on his real estate therein.

Lien, how long to continue.

SEC. 3. All taxes assessed against the owner of any real estate shall constitute a lien on such real estate in any town, for the space of two years after the assessment, and, if such real estate be not aliened, then until the same is collected.

Buildings removed, lien follows.

SEC. 4. If any building on leased land described in section two, chapter thirty-nine, be removed, the lien thereon shall not be affected, but the collector may follow the same out of the town if necessary, and sell it with the same effect as if not removed.

Lien not affected by receipt of check.

SEC. 5. The collector shall, in case he receives a check on any bank, for the tax of any person or corporation, hold a lien on the property of any such person or corporation, the same as if such check had not been received; *Provided* said check shall be presented for payment within ten days.

Rents and profits, growing wood, or land, may be sold, when; disposition of surplus.

SEC. 6. Whenever the real estate cannot in the judgment of the collector be divided without detriment, the collector, under the direction of the town council, may sell the wood growing on said land, or the rents and profits of the whole, at public auction, for a term of time sufficient to satisfy the tax, interest, costs, and expenses, or may, under their direction, sell the whole, and shall pay over the surplus,

if any, to the town treasurer for the benefit of the owner or any person entitled to receive it.

SEC. 7. If any person is taxed for several parcels of real estate, or for personal and real estate in the same tax, the whole of such person's tax may be collected, either out of the real or personal estate, or any part thereof: *Provided*, that no land aliened shall be sold, if the person taxed have other sufficient property.

Tax may be collected from real or personal estate.

SEC. 8. In case of a life-estate, the interest of the tenant for life shall first be liable for the tax.

Life-estate, what interest liable.

SEC. 9. The collector may advertise and sell any real estate liable for taxes, in the manner hereinafter directed.

Collector may advertise and sell.

SEC. 10. In all cases where any parcel of real estate is liable for payment of taxes, so much thereof as is necessary to pay the tax, interest, cost, and expenses, shall be sold by the collector, at public auction, to the highest bidder, after notice has been given of the levy, and of the time and place of sale, in some newspaper printed or published in the town, if there be one, and if there be no newspaper printed in the town, then in some newspaper printed or published in the county, at least once a week for the space of three weeks, and the collector shall also post up notices in two or more public places in the town, for the same period.

Real estate may be sold after notice; notice, how given.

SEC. 11. If the person to whom the same is taxed be a resident of this state, the collector shall, in addition to the foregoing, cause notice of his levy, and of the time and place of sale, to be left at his last and usual place of abode, or personally served on him, at least twenty days previous to the day of sale.

Notice, how given in case of residents.

SEC. 12. In case the collector shall advertise for sale any property, real, personal, or mixed, in which any person other than the person to whom the tax is assessed has an interest, he shall, provided the interest of such other person appears upon the records of the town, leave a copy of the notice of such sale at the last and usual place of abode, or personally with such other person, if within this state, twenty days prior to the time of such sale.

Notice to persons not taxed, having an interest.

SEC. 13. If such other person have no last and usual place of abode within this state, then a copy of said notice shall be sent by mail to such person, at his place of residence, if known, twenty days prior to the time of such sale.

Non-residents to have notice by mail.

SEC. 14. No entry upon the land by the collector shall be deemed necessary; but the collector, in all cases of sales of real estate, shall make a return of all his proceedings under oath into the town clerk's office, within ten days after the sale; which return shall be *prima facie* evidence of the facts therein stated.

Entry not necessary; return, and effect thereof.

SEC. 15. The deed of any real estate, or of any interest therein, sold for the payment of taxes, made and executed by the sheriff or collector who shall sell the same, shall vest in the purchaser, subject to the right of redemption hereinafter provided, all the estate, right, and title the owner thereof had in and to such real estate at the time said tax was assessed, free from any interest or incumbrance thereon of any person to whom the notice required by the provisions of this chapter shall have been given; and the recitals in such deed shall be *prima facie* evidence of the facts stated.

What title vested by sale for taxes.

SEC. 16. The person who owned any real estate sold for taxes, at the time of the assessment, or any interest therein, his heirs, assigns, or devisees, may redeem the same upon repaying to the purchaser the amount paid therefor, with twenty per cent. in addition, within one year after the sale, or within six months after final judgment has

Owner may redeem within one year.

been rendered in any suit in which the validity of the sale is in question, *provided* said suit be commenced within one year after such sale.

Collector may
distrain.

SEC. 17. The collector may distrain personal property, except as provided in the section next following, and may sell the same, in the manner hereinafter directed.

Property ex-
empt from dis-
traint.

SEC. 18. All property that is or may be exempted from attachments in civil actions, and that may be exempted by the militia laws of this state, or the United States, from attachment or distress, shall not be liable to be distrained for any taxes whatever.

Sales of per-
sonal property;
notice of, how
given.

SEC. 19. In all cases where personal property shall be levied upon by any collector, he shall cause notice thereof, and of the time and place of sale, to be left at the last and usual place of abode of the owner, or personally to be given to him, at least five days previous to the appointed time of sale.

Same subject.

SEC. 20. In case such owner have no last and usual abode in the state, and personal notice cannot be given him, then, and also in all other cases, the collector shall advertise the same for three successive weeks in a newspaper printed or published in the town, if there be one, if not, in the county, and shall also post up notices in three public places in said town, at least twenty days previous to said appointed sale.

Of sale, tax not
being paid.

SEC. 21. If such owner do not pay the amount of the tax, with the interest or percentage and all costs and charges, by the time appointed for the sale, the collector shall sell the same, or enough to pay said sums, at public auction.

Surplus, to be
returned to
owner.

SEC. 22. Any property, or surplus of money remaining, shall be returned to the owner, or person entitled to receive it. If no owner or the person entitled to receive the same can be found by the collector, he shall deliver such property or surplus of money to the town treasurer, who shall hold the same, subject to the call of the legal owner thereof.

Collector may
remove per-
sonal property
for sale.

SEC. 23. Any collector may, with consent of the owner, remove personal property for sale to any town or place, where it may be sold to the best advantage, giving notice to the owner as before provided, and by giving notice as provided by section twenty of this chapter, in the town or place where the sale is to be made.

May follow
persons or
property to any
town.

SEC. 24. If any person or property taxed in one town removes or is removed into another town before the tax is collected, the collector may follow such person or property into any town, and levy or collect the tax with the same power as if not removed.

Sales may be
adjourned.

SEC. 25. Any sale of real or personal estate, or of any interest therein, liable for the payment of taxes by the provisions of this chapter, may be adjourned from time to time.

Collector may
recover tax in
action of the
case.

SEC. 26. The collector of any tax may recover the amount of any tax, in an action of the case against the person taxed, before the court of common pleas, or supreme court, and in the declaration it shall be sufficient to set forth that it is to recover being a tax assessed against the defendant in the town of specifying the time of ordering and assessing said tax.

Judgment in
such cases;
execution, how
to issue;
effect of levy.

SEC. 27. If judgment be rendered in favor of the collector, he shall be allowed for his reasonable trouble in attending to the suit, to be taxed by the court in the bill of costs, and execution shall issue against the real as well as personal estate of the defendant, and the levy of the execution upon any real estate, upon which a lien for such tax is created by this chapter, shall be deemed to relate back, and take effect from the time of commencement of such lien.

SEC. 28. If any person legally taxed shall be out of the state, or depart therefrom, leaving no property liable for said tax, the collector may summon the attorney, agent, factor, trustee, or debtor of such person, before the justice court of the town where the tax is assessed, to declare on oath how much property, if any, of such absent person, he has in his possession; and if he has sufficient property he shall forthwith pay such tax and charges, or deliver to the collector sufficient property therefor.

Collector may cite agent, &c., person taxed being out of the state.

SEC. 29. If any person so summoned shall neglect to appear, or refuse to make oath, or having made oath shall refuse to pay such tax and charges, or to deliver to the collector sufficient property therefor, if such he has, such court shall forthwith grant to the collector a warrant of distress against the proper goods and chattels of such person so summoned, and the collector may distrain and sell the same wherever found, or so much thereof as will pay the tax and all interest and expenses, in manner provided by this chapter.

Warrant of distress to issue, when.

SEC. 30. If the person so summoned shall pay said tax and charges, or deliver property therefor, or have his own property sold therefor, such proceeding shall be sufficient to bar any action brought therefor by the absent person.

Payment of tax, &c., bar of action.

SEC. 31. The town treasurer may call a special court upon any collector and his sureties, who shall neglect to pay in any tax to the town treasury by the time limited therefor.

Special court on collector, when.

SEC. 32. In any execution issued by such court against any such collector or his sureties, the words "or real estate" shall be inserted in the mandatory part thereof, immediately after the words "goods or chattels," and the officer charged therewith shall immediately attach and take possession of all the estate, real and personal, of such collector, within his precinct, and shall immediately advertise the same to be sold within twenty days thereafter at public auction; and he shall cause enough thereof to be sold to pay the amount of such execution, and all incidental costs and expenses; and said sale may be adjourned from time to time.

Execution, how issued and served.

SEC. 33. If no estate of the collector can be found in the precinct of the officer, or the same be insufficient, the officer shall make return thereof to the clerk's office, and an alias execution shall immediately be issued against the sureties of such collector, for the amount unpaid, and costs and expenses, which shall be levied upon their estates, and proceeded with in manner as directed above concerning collectors.

Alias against sureties to be issued, when.

SEC. 34. All warrants for the collecting of taxes shall continue in force until the whole tax is collected, notwithstanding the time appointed for collecting the tax, or the year of office, may have expired, and notwithstanding the collector may have paid the tax into the town treasury.

Warrants in force until tax is collected.

SEC. 35. Every collector shall have the same right to require the aid or assistance of the persons present, in the performance of his duty, which a sheriff now has by law.

Collector may require aid.

SEC. 36. Any collector may be removed from office by the town or town council, in which case a new warrant may issue to the new collector for the collection of the portion of any tax not collected.

Collector may be removed.

SEC. 37. The city treasurer of the city of Providence shall perform all the duties and exercise all the powers which by law are imposed and conferred upon collectors of taxes, and may be removed from office by the city council.

City treasurer of Providence to act as collector.

CHAPTER 42.

OF STATE TAXES.

SECTION

1. Secretary of state to send copy of act imposing a tax to the town clerks; clerks to notify assessors; assessors to assess tax.
2. Persons overtaxed to have same remedy as in case of town tax.
3. Assessment to be deposited in office of town clerk, and a copy sent to the general treasurer.
4. General treasurer to issue warrant to the town collector.
5. Collection to be made as in case of town taxes.

SECTION

6. General treasurer may call special court upon delinquent collector and sureties.
7. Warrant of distress to issue against town treasurer, in case of neglect to deliver delinquent collector's bond.
8. Warrant of distress, how and by whom served.
9. Forfeiture for neglect to assess and collect the town's proportion of a state tax.

Secretary of state to send act to town clerks;

clerks to notify assessors;
assessors to assess tax.

Remedy of persons overtaxed.

Disposition of assessment.

General treasurer to issue warrant to town collector.

Collection, how made.

Special court on collector, when.

Warrant of distress, when to issue.

SECTION 1. Whenever any tax is hereafter ordered by the general assembly to be assessed and levied on the inhabitants or ratable estates within this state, and no special provision is otherwise made in the act ordering said tax, the secretary of state shall forthwith send a certified copy of the act imposing the tax, to the town clerk of every town, who shall notify the assessors thereof and deliver such copy to them; and the assessors shall immediately give notice and proceed to assess the same or their town's proportion thereof, in the same manner as is by law provided for town taxes.

SEC. 2. Any person having brought in a list of his ratable estate, if overtaxed, shall have the same remedy therefor as if it were a town tax; and if, on petition, judgment be given that such person is overtaxed, or if any person's tax for any cause be not collected, the deficiency caused thereby in the town tax shall be paid to the state by the town treasurer, out of the town treasury.

SEC. 3. The assessors, having completed the assessment, shall date, sign, and deposit the same in the office of the town clerk of the town, who shall forthwith send a copy thereof to the general treasurer, with the names of the town treasurer and collector of taxes of the town, and their post-office address.

SEC. 4. The general treasurer shall forthwith issue his warrant under his hand, and which need not be under seal, affixed to said copy, to the collector of the town, commanding him, in the name of the state, to collect the several sums therein expressed against each person's name, by such time as by law is limited, and to pay over the same to him or his successors in office.

SEC. 5. The collector shall proceed forthwith to collect the same, in the same manner as is provided in case of town taxes.

SEC. 6. The general treasurer may call a special court upon any delinquent town collector and his sureties, and the like proceedings shall be had as are provided in sections thirty-one, thirty-two, and thirty-three, of chapter forty-one.

SEC. 7. If any town treasurer shall neglect or refuse to deliver to the general treasurer any delinquent collector's bond for suit, the general treasurer shall immediately issue a warrant of distress against such town treasurer, directed to the sheriff or his deputy of the county in which such town treasurer resides.

SEC. 8. Such sheriff or deputy shall forthwith attach and take possession of all the real and personal estate of such town treasurer, and sell the same at public auction, in the same manner as in case of a delinquent collector.

How served.

SEC. 9. If the assessors neglect to assess, or the collector to collect, any town's proportion of a state tax, or if any town neglect to appoint assessors or a collector, the town shall forfeit double the amount of their proportion of the tax, to be recovered by the general treasurer in an action of debt against the delinquent town, and to be collected on execution from the property of the town or the inhabitants thereof.

Forfeiture for neglect to assess, &c., state tax.

CHAPTER 43.

GENERAL PROVISIONS CONCERNING TAXES.

SECTION

1. Towns may provide for deduction, if tax is paid, and impose percentage, if tax is not paid.
2. Officers neglecting to perform duties required of them, liable to be indicted.

SECTION

3. Town taxes to have preference, in cases of insolvency.
4. Compensation of assessors, town clerks, and collectors.
5. Provisions of this title applicable to highway and school district taxes.

SECTION 1. Any town may provide for such deduction from the tax assessed against any person, if paid by an appointed time, or for such penalties by way of percentage on a tax, if not paid at the time appointed, not exceeding twelve per cent. per annum, as they shall deem necessary to insure punctual payment.

Towns may provide for deduction, &c.

SEC. 2. If any officer shall neglect or refuse to perform any duty imposed upon him in this title, or shall not comply with the provisions thereof, or shall in anywise knowingly violate any provisions thereof, he shall be liable to be indicted therefor, and on conviction, to be imprisoned not exceeding one year, or fined not exceeding five hundred dollars, which fine, in case it be a state tax, shall be paid into the state treasury, or, if a town tax, into the town treasury, or if a school district tax, into the district treasury, or, if a fire corporation tax, into the fire corporation treasury.

Officers neglecting, &c., duties, may be indicted.

SEC. 3. Whenever any person shall become insolvent, or die insolvent, town taxes due from him or his estate shall have preference, after debts or taxes due the United States and this state, over all other debts or demands, save those due for necessary funeral charges, and for attendance and medicine during his last sickness.

Town taxes to have preference, in insolvency.

SEC. 4. Assessors shall receive such compensation as the town may allow; town clerks shall be paid for copying tax bills as for other copies; and collectors shall be paid for collecting at the rate of five per cent. unless they shall have agreed with the town for a less sum; which fees shall be paid out of the town treasury. In case of distraint of personal property, or levy on land, the collector shall have the same fees as the sheriff in similar cases.

Compensation of assessors, town clerks, and collectors.

SEC. 5. The provisions of this title shall apply to all highway and school district taxes, so far as they may be applicable.

Highway and school district taxes.

TITLE IX.

OF PUBLIC INSTRUCTION.

- CHAPTER 44. Of the board of education.
 CHAPTER 45. Of the commissioner of public schools.
 CHAPTER 46. Of the appropriation for public schools.
 CHAPTER 47. Of the powers and duties of towns, and of the duties of the town treasurer and town clerk relative to public schools.
 CHAPTER 48. Of the powers of school districts.
 CHAPTER 49. Of district meetings.
 CHAPTER 50. Of joint school districts.
 CHAPTER 51. Of the levy of district taxes.
 CHAPTER 52. Of the trustees of school districts.
 CHAPTER 53. Of the powers and duties of school committees.
 CHAPTER 54. Of teachers.
 CHAPTER 55. Of legal proceedings relating to public schools.
 CHAPTER 56. Of the normal school, teachers' institutes, and lectures.
 CHAPTER 57. Of truant children and absentees from school.
 CHAPTER 58. General provisions relating to public schools.

CHAPTER 44.

OF THE BOARD OF EDUCATION.

SECTION

1. Board of education, how constituted, and duties of.
2. How divided, and term of office.
3. Vacancies, how filled.
4. Officers of.

SECTION

5. To hold quarterly meetings, and prescribe necessary rules, &c.
6. To report to general assembly.
7. Travelling expenses of, how paid.

Constitution and duties of.

SECTION 1. The general supervision and control of the public schools of this state, with such high schools, normal schools, and normal institutes, as are or may be established and maintained wholly or in part by the state, shall be vested in a state board of education, which shall consist of the governor and the lieutenant governor, as members by virtue of their office, and of one other member from each of the counties of the state, with the exception of Providence county, which shall have two other members. The board of education shall elect the commissioner of public schools.

Division and term of office of.

SEC. 2. The members of the board of education shall continue to be divided into three classes, and to hold their offices until the terms for which they were respectively elected shall have expired.

Vacancies, how filled.

SEC. 3. Two members of the board of education shall be elected annually at the May session of the general assembly, in grand committee, from the counties in which vacancies shall occur in said board, who shall hold their office for three years, and until their successors shall have been elected and qualified; vacancies in said board shall

be filled for any unexpired term by an election from the county for which the member whose office is vacant was elected, in the same manner, at any session of the general assembly.

SEC. 4. The governor shall be president, and the commissioner of public schools shall be secretary, of the board of education. Officers.

SEC. 5. The board of education shall hold quarterly meetings in the first week of March, June, September, and December of each year, at the office of the commissioner of public schools, and may hold special meetings at the call of the president or secretary. They shall prescribe, and cause to be enforced, all rules and regulations necessary for carrying into effect the laws in relation to public schools. Meetings.
Rules, &c.

SEC. 6. The board of education shall make an annual report to the general assembly, at the adjourned session at Providence. Report of.

SEC. 7. The members of the board shall receive no compensation for their services, but the state treasurer may pay, upon the order of the state auditor, the necessary expenses of the members, when attending the meetings of the board, or when travelling upon official business for and within this state, after the bills have been approved by the general assembly. Travelling expenses, how paid.

CHAPTER 45.

OF THE COMMISSIONER OF PUBLIC SCHOOLS.

SECTION

1. Commissioner, how elected.
2. Duties of the commissioner.

SECTION

3. To secure uniformity of text-books.
4. To report to general assembly.

SECTION 1. There shall be annually elected a commissioner of public schools in the manner prescribed in the next preceding chapter, who shall devote his time exclusively to the duties of his office. In case of sickness, temporary absence, or other disability, the governor may appoint a person to act as commissioner during such absence, sickness, or disability. How elected..

SEC. 2. The commissioner of public schools shall visit, as often as practicable, every school district in the state, for the purpose of inspecting the schools, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers, and parents, a knowledge of the defects, and of any desirable improvements in the administration of the system, and the government and instruction of the schools. Duties.

SEC. 3. He shall, under the direction of the board of education, recommend and secure, as far as is practicable, a uniformity of text-books in the schools of all the towns; and shall assist in the establishment of, and selection of books for, school libraries. Text-books.

SEC. 4. He shall annually, on the last Monday in December, make a report to the board of education, upon the state and condition of the schools and of education, with plans and suggestions for their improvement. Report of.

CHAPTER 46.

OF THE APPROPRIATION FOR PUBLIC SCHOOLS.

	SECTION		SECTION
	1. Appropriation from the state treasury.		4. Conditions upon which towns shall receive their proportion.
	2. How apportioned.		5. Forfeiture of town's proportion.
	3. How to be expended.		6. Orders on the general treasurer.
Appropriation from state treasury.	SECTION 1. The sum of ninety thousand dollars shall be annually paid out of the income of the permanent school fund, and from other money in the state treasury, for the support of public schools in the several towns, upon the order of the commissioner of public schools.		
How apportioned.	SEC. 2. The sum of sixty-three thousand dollars of the amount aforesaid shall be apportioned annually, in May, by the commissioner, among the several towns, in proportion to the number of children therein under the age of fifteen years, according to the census of the United States, or of this state, then last preceding; and the sum of twenty-seven thousand dollars shall be apportioned among the several towns in proportion to the number of school districts in each town.		
How expended.	SEC. 3. The money appropriated from the state as aforesaid shall be denominated "teachers' money," and shall be applied to the wages of teachers, and to no other purpose.		
Towns to receive, when.	SEC. 4. No town shall receive any part of such state appropriation, unless it shall raise by tax for the support of public schools, a sum equal to the amount it may receive from the state treasury for the support of public schools.		
Forfeiture of town's proportion.	SEC. 5. If any town shall neglect or refuse to raise or appropriate the sum required in the section next preceding on or before the first day of July in any year, its proportion of the public money shall be forfeited, and the general treasurer, on being officially informed thereof by the commissioner of public schools, shall add it to the permanent school fund.		
Orders on general treasurer.	SEC. 6. The commissioner of public schools shall draw orders on the general treasurer, in favor of all such towns, for their proportion of the appropriation for public schools, as shall, on or before the first day of July, annually, comply with the conditions of the fourth section of this chapter.		

CHAPTER 47.

OF THE POWERS AND DUTIES OF TOWNS, AND OF THE DUTIES OF THE TOWN TREASURER AND TOWN CLERK RELATIVE TO PUBLIC SCHOOLS.

SECTION		SECTION
1. Towns may maintain schools with or without districts.		3. Towns may provide school-houses for districts.
2. Towns may be divided into districts.		4. School committee, how and when chosen.

SECTION

- 5. Superintendent, how appointed, his duties, and compensation.
- 6. Town treasurer to receive and keep account of school money.
- 7. To submit statement of school money to committee.

SECTION

- 8. To transmit statement of money raised and paid out, to commissioner.
- 9. Town clerks to record boundaries of districts, and distribute school documents.

SECTION 1. Any town may establish and maintain, with or without forming districts, a sufficient number of public schools, of different grades, at convenient locations, under the management of the school committee, subject to the supervision of the commissioner of public schools as provided by this title.

Towns may maintain schools, &c.

SEC. 2. Any town may be divided by a vote thereof, into school districts.

Districts.

SEC. 3. Any town may vote, in a meeting notified for that purpose, to provide school-houses, together with the necessary fixtures and appendages thereto, in all the districts, if there be districts, at the common expense of the town: *Provided*, if any district shall provide, at its own expense, a school-house approved by the school committee, such district shall not be liable to be taxed by the town to furnish or repair school-houses for the other districts.

Towns may provide school-houses for districts.

SEC. 4. Any town may, at its first annual town meeting after this act shall go into effect, for the choice of state or town officers, elect a school committee to consist of not less than three residents of the town, who shall serve without compensation unless voted by the town, and shall hold their offices as follows, to wit: immediately after being assembled in consequence of such election, they shall be divided by lot as equally as may be into three classes. The term of office of the first class shall expire at the end of one year, that of the second class at the end of two years, and that of the third class at the end of three years. As the office of each class becomes vacant as aforesaid, or the office of any member of either class by resignation or otherwise, such vacancy or vacancies may be annually filled by the town at its annual town meeting, for the election of state or town officers, or at any time by the town council, until the annual town meeting for the election of state or town officers.

School committee, how and when chosen.

SEC. 5. Any town may elect, or failing to do so, its school committee shall appoint, a superintendent of the schools of the town, to perform, under the advice and direction of the committee, such duties, and to exercise such powers, as the committee may assign to him, and to receive such compensation out of the town treasury as the town may vote.

Superintendent, his appointment, powers, and compensation.

SEC. 6. The town treasurer shall receive the money due the town from the state treasury for public schools, and shall keep a separate account of all money appropriated by the state or town, or otherwise for public schools in the town, and shall pay the same to the order of the school committee.

Town treasurer to receive school money.

SEC. 7. The town treasurer shall, within one week after the school committee is elected, submit to them a statement of all moneys in his hands belonging to schools, specifying the sources whence derived.

To submit statement of school money.

SEC. 8. The town treasurer shall, on or before the first day of July, annually, transmit to the commissioner of public schools a certificate of the amount which the town has voted to raise by tax for the support of public schools for the year; and also a statement of the amount paid out to the order of the school committee, and from

To submit statement of money raised, and paid out, to commissioner.

what sources it was derived, for the year ending with the thirtieth of April next preceding, and until such return is made to the commissioner, he may, in his discretion, withhold the order for the money in the state treasury belonging to such town.

Town clerks to record boundaries, &c., and distribute school documents.

SEC. 9. The town clerk shall record the boundaries of school districts and all alterations thereof, in a book to be kept for that purpose, and shall distribute such school documents and blanks as may be sent to him, to the persons for whom they are intended.

CHAPTER 48.

OF THE POWERS OF SCHOOL DISTRICTS.

SECTION

1. School district a body corporate.
2. Powers of school district.
3. District may build and repair school-houses, &c.
4. May raise money by tax.
5. Officers of the district.
6. Powers and duties of district officers.

SECTION

7. District taxes, how collected.
8. Town collector may collect.
9. District neglecting to organize, committee may establish school.
10. District may devolve its duties and powers on the committee.

School district a body corporate.

SECTION 1. Every school district shall be a body corporate, and shall be known by its number, or other suitable or ordinary designation.

Powers of school district.

SEC. 2. Every school may prosecute and defend in all actions in which said district or its officers are parties, may purchase, receive, hold, and convey real or personal property for school purposes, and may establish and maintain a school library.

District may build and repair school-houses, &c.

SEC. 3. Every such district may build, purchase, hire, and repair school-houses, and supply the same with blackboards, maps, furniture, and other necessary and useful appendages, and may insure the house and appendages against damage by fire: *Provided*, that the erection and repairs of the school-house shall be made according to the plans approved by the school committee, or, on appeal, by the commissioner of public schools.

May raise money by tax.

SEC. 4. Every such district may raise money by tax on the ratable property of the district, to support public schools; and to carry out the powers given them by any of the provisions of this title: *Provided*, that the amount of the tax shall be approved by the school committee of the town.

Officers of the district.

SEC. 5. Every such district shall elect a clerk, and either one, or three, trustees, as they may decide, and shall elect a treasurer and collector, and may fill vacancies in either of said offices arising from death, declining or refusing to serve, resignation, removal from office, or from the district, or otherwise; and if an election of any of said officers be not made at the time prescribed for the annual meeting, it may be made at any legally notified meeting within thirty days thereafter.

Their powers and duties.

SEC. 6. The clerk, collector, and treasurer, within their respective school districts, shall have the like power, and shall perform like duties, as the clerk, collector, and treasurer of a town; but the clerk,

collector, and treasurer need not give bond, unless required by the district.

SEC. 7. All district taxes shall be collected by the district or town collector, in the same manner as town taxes are collected.

Collection of district taxes.

SEC. 8. Any district may vote to place the collection of any district tax in the hands of the collector of town taxes, who shall thereupon, be fully authorized to proceed and collect the same, upon giving bond therefor satisfactory to the school committee.

Town collector may collect.

SEC. 9. If any school district shall neglect to organize, or if organized, shall for any space of seven months, neglect to establish a school, and employ a teacher, the school committee of the town may, themselves, or by an agent, establish a school in the district school-house, or elsewhere in the district, in their discretion, and employ a teacher.

School committee may organize school, if district neglects.

SEC. 10. Any district may, with the consent of the school committee, devolve all the powers and duties relating to public schools in the district, on the committee.

District may devolve powers on committee.

CHAPTER 49.

OF DISTRICT MEETINGS.

SECTION

1. Meeting for organization, notice of, how and by whom to be given.
2. Annual meeting, when held.
3. Special meetings, how called.
4. District meetings, where held.

SECTION

5. Notice of time and place, how to be given.
6. Qualification of voters.
7. Clerk to record names of voters on request.

SECTION 1. Notice of the time, place, and object of holding the first meeting of a district for organization, or for a meeting to choose officers or transact other business, in case there be no trustees authorized to call a meeting, shall be given by the school committee of the town, at such time, and in such manner, as they may deem proper.

Notice of meeting for organization.

SEC. 2. Every school district when organized shall hold an annual meeting, in the month of March, April, or May, of each year, for choice of officers, and for the transaction of any other business relating to schools.

Annual meeting, when held.

SEC. 3. The trustees may call a special meeting for election, or other business, at any time, and shall call one to be held within seven days on the written request of any five qualified voters, stating the object for which they wish it called; and if the trustees neglect or refuse to call a special meeting when requested, the school committee may call it and fix the time therefor.

Special meetings, how called.

SEC. 4. District meetings shall be held at the school-house, unless otherwise ordered by the district. If there be no school-house or place appointed by the district for district meetings, the trustees, or if there be no trustees, the school committee, shall determine the place, which shall always be within the district.

District meetings, where held.

SEC. 5. Notice of the time and place of every annual meeting, and of the time, place, and object of every special meeting, shall be given, either by publishing the same in a newspaper published in the dis-

Notice of time and place, how given.

trict, or by posting the same in two or more public places in the district for five days inclusive before holding the same: *Provided*, that the district may, from time to time, prescribe the mode of notifying meetings, and the trustees shall conform thereto.

Qualification of voters.

SEC. 6. Every person residing in the district, may vote in district meetings, to the same extent and with the same restrictions as would at the time qualify him to vote in town meeting; but no person shall vote upon any question of taxation of property, or expending money raised thereby, unless he shall have paid, or be liable to pay, a portion of the tax.

Clerk to record voters, &c.

SEC. 7. The clerk of the district shall record the number and names of the persons voting, and on which side of the question, at the request of any qualified voter.

CHAPTER 50.

OF JOINT SCHOOL DISTRICTS.

SECTION

- 1. School for advanced children may be established by adjoining districts.
- 2. Such districts to constitute a school district.
- 3. Meeting for organization, time and place of.
- 4. Public money, proportion of each district, how drawn, and to whom paid.
- 5. Consolidated districts in the same town, powers of.
- 6. To receive public money as if not united.
- 7. Mode of organization.

SECTION

- 8. Consolidated districts in different towns, how formed.
- 9. Meeting for organization, how and by whom called.
- 10. Powers, and supervision of such districts.
- 11. What portion of public money entitled to.
- 12. Corporate property, how owned.
- 13. Apportionment of property when districts are divided.
- 14. District added to another owning property, to pay its proportion, if demanded.

Advanced school established by adjoining districts.

SECTION 1. Any two or more adjoining primary school districts in the same or adjoining towns, may, by a concurrent vote, establish a school, for the older and more advanced children of such districts.

Such districts a school district.

SEC. 2. Such associating districts shall constitute a school district for the purposes of providing a school-house, fuel, furniture, and apparatus, and for the election of a board of trustees, to consist of one member from each district, so associating, and for levying a tax for school purposes, with all the rights and privileges of a school district, so far as such school is concerned.

Meeting to organize.

SEC. 3. The time and place for the meeting for organization of such associate district may be fixed by the school committees, and any one or more of the associating districts may delegate to the trustees of such school, the care and management of its primary school.

Public money, how drawn, &c.

SEC. 4. The school committee of the town or towns in which such school shall be established, shall draw an order in favor of the trustees of such school, to be paid out of the public money appropriated to each district interested in such school, in proportion to the number of scholars from each.

SEC. 5. Any two or more adjoining school districts in the same town may, by concurrent vote, with the approbation of the school committee, unite and be consolidated into one district, for the purpose of supporting public schools, and such consolidated district shall have all the powers of a single district. Powers of consolidated districts.

SEC. 6. Such consolidated district shall be entitled to receive the same proportion of public money as such districts would receive if not united. Entitled to public money.

SEC. 7. The mode of organizing such consolidated district and calling the first meeting thereof, shall be regulated or prescribed by the school committee, and notice thereof given as prescribed in section five of chapter forty-nine. Organization.

SEC. 8. Two or more contiguous districts, or parts of districts in adjoining towns, may be formed into a joint school district by the school committees of such towns concurring therein, and all joint districts which have been or shall be formed, may by them be altered or discontinued. Consolidated districts in adjoining towns, how formed.

SEC. 9. The meeting for organization of such joint district shall be called by the school committees of such towns, and notice thereof shall be given as prescribed in section five of chapter forty-nine. Meeting to organize.

SEC. 10. Such joint district shall have all the powers of a single school district, and shall be regulated in the same manner, and shall be subject to the supervision and management of the school committee of the town in which the school is located. Powers, &c., of joint district.

SEC. 11. A whole district making a portion of such joint district, shall be entitled to its proportion of public money, in the same manner as if it had remained a single district; and when part of a district is taken to form a portion of such joint district, the school committee of the town of which such district is a part shall assign to it its reasonable proportion. Entitled to public money.

SEC. 12. Whenever any two or more districts shall be consolidated, the new district shall own all the corporate property of the several districts. Corporate property, how owned.

SEC. 13. Whenever a district is divided, and a portion taken from it, the funds and property, or the income and proceeds thereof, shall be divided among the several parts, in such manner as the school committee of the town, or towns, to which the districts belong, may determine. Apportionment of property, if district divided.

SEC. 14. Whenever a part of one district is added to another district, or part of a district owning a school-house, or other property, such part shall pay to the district or part of a district to which it is added, if demanded, such sum as the school committee may determine, towards paying for such school-house and other property. Contribution towards school-house, &c., when.

CHAPTER 51.

OF THE LEVY OF DISTRICT TAXES.

SECTION

1. District taxes, how levied.
2. Town assessors to assess value of property, in what cases.

SECTION

3. Notice of such assessment, how given.
4. Commissioner in certain cases may order assessment.

SECTION

5. Errors in assessment, how corrected.

6. Abatement of taxes, how and when to be made.

SECTION

7. School-house and taxes of joint districts, by whom to be approved.

8. Assessment of taxes in joint districts.

District taxes, how levied.

SECTION 1. District taxes shall be levied on the ratable property of the district, according to its value in the town assessment then last made, unless the district shall direct such taxes to be levied according to the next town assessment; and no notice thereof shall be required to be given by the trustees.

Town assessors, to assess value of property, in what cases.

SEC. 2. The trustees of any school district, if unable to agree with the parties interested, with regard to the valuation of any property in such district, shall call upon one or more of the town assessors not interested, and not residing in the district, to assess the value of such property so situated, in the following cases, namely: When any real estate in the district is assessed in the town tax bill with real estate out of the district, so that there is no distinct or separate value upon it; when any person possessing personal property shall remove into the district after the last town assessment; when a division and apportionment of a tax shall become necessary by reason of the death of any person, or the sale of such property; when a person has invested personal property in real estate, and shall call upon the trustees to place a value thereon; and when property shall have been omitted in the town valuation.

Notice of assessment.

SEC. 3. The assessors shall give notice of such assessment, by posting up notices thereof for ten days next prior to such assessment, in three of the most public places in the district; and after notice is given as aforesaid, no person neglecting to appear before the assessors shall have any remedy for being overtaxed.

When commissioner may order assessment.

SEC. 4. If a district tax shall be voted, assessed, and approved of, and a contract legally entered into under it, or such contract be legally entered into without such vote, assessment, or approval, and said district shall thereafter neglect or refuse to proceed to assess and collect a tax sufficient to fulfil such contract, the commissioner of public schools, after notice to and hearing of the parties, may appoint assessors to assess a tax for that purpose, and may issue a warrant to the collector of the district, or to a collector by him appointed, authorizing and requiring him to proceed and collect such tax.

Errors, how corrected.

SEC. 5. Errors in assessing a tax may be corrected, or the tax reassessed, in such manner as may be directed or approved by the commissioner of public schools.

Abatement of taxes, how and when made.

SEC. 6. Whenever any person who has paid a tax for building or repairing a school-house in one district, shall, by alteration of the boundaries thereof, become liable to pay a tax in any other district, if such person cannot agree with the district, such abatement of the tax may be made as the school committee, or, in case of a district composed from different towns, as the commissioner of public schools, may deem just and proper.

School-houses, &c., taxes, how approved.

SEC. 7. Whenever a joint district shall vote to build or repair a school-house by tax, the amount of the tax and the plan and specifications of the building, and repairs, shall be approved by the school committees of the several towns, or, in case of their disagreement, by the commissioner of public schools.

SEC. 8. In case of assessing a tax by a joint or associate district,

if the town assessments be made upon different principles, or the relative value be not the same, the relative value and proportion shall be ascertained by one or more persons, to be appointed by the commissioner of public schools, and the assessment shall be made accordingly.

Assessment in joint districts.

CHAPTER 52.

OF THE TRUSTEES OF SCHOOL DISTRICTS.

SECTION

- 1. Trustees to have care of school-houses and employ teachers.
- 2. To provide school-rooms, and visit schools.
- 3. To provide, in certain cases, books for scholars.
- 4. To make tax bills, and issue warrants.
- 5. To make returns to school committee.
- 6. To receive no compensation, unless by district tax.

SECTION

- 7. May allow, on certain conditions, scholars from without the district to attend the schools.
- 8. School committee, similarly empowered, if town is not divided into districts.
- 9. Disposition of money received for tuition.
- 10. Attendance of scholars from without the district, where reckoned.

SECTION 1. The trustees of school districts shall have the custody of the school-house and other district property, and shall employ one or more qualified teachers for every fifty scholars in average daily attendance.

Trustees to have care of school-house, employ teachers,

SEC. 2. The trustees shall provide school-rooms and fuel, and shall visit the schools twice at least during each term, and notify the committee or superintendent of the time of opening and closing the school.

provide school-rooms, visit schools, &c.,

SEC. 3. The trustees shall see that the scholars are properly supplied with books, and in case they are not, and the parents, guardians, or masters have been notified thereof by the teacher, shall provide the same at the expense of the district.

supply books,

SEC. 4. The trustees shall make out the tax bill against the person liable to pay the same, and deliver the same to the collector with a warrant by them signed annexed thereto, requiring him to collect and pay over the same to the treasurer of the district.

make tax bills, issue warrants,

SEC. 5. The trustees shall make returns to the school committee in manner and form prescribed by them or by the commissioner, or as may be required by law, and perform all other lawful acts required of them by the district, or necessary to carry into full effect the powers and duties of districts.

make returns to school committee,

SEC. 6. The trustees shall receive no compensation for services out of the money received from either the state or town appropriations, nor in any way, unless raised by tax by the district.

receive no compensation except, &c.,

SEC. 7. The trustees of any school district may allow scholars from without the district, or without the state, to attend the public schools of such district, upon the payment of such sums for tuition as the trustees may determine, provided that such attendance and tuition shall be approved by the school committee.

admit scholars from without district, when.

SEC. 8. Whenever a town shall not be divided into school districts,

School committee similarly empowered, when.

Tuition money.

Such attendance, where reckoned.

or whenever public schools shall be provided without reference to such division, the school committee may exercise the powers provided in the preceding section hereof, to be exercised by trustees.

SEC. 9. All moneys received for tuition as hereinbefore provided, shall be paid into the district or town treasury, as the case may be, and shall be used for school purposes only.

SEC. 10. No attendance upon the public schools authorized by the three preceding sections, shall be reckoned in determining the average attendance, for the purpose of regulating the distribution of school money, but such average attendance shall be returned to the district or town where such scholars reside, and be there reckoned with the average attendance of the school of the proper town or district.

CHAPTER 53.

OF THE POWERS AND DUTIES OF SCHOOL COMMITTEES.

SECTION

1. Chairman and clerk, how chosen and removed.
2. Stated meetings, when held, and quorum of.
3. Committee may alter and discontinue districts.
4. To locate all school-houses.
5. Land for school-house sites, if taken without owners' consent, how appraised.
6. Appeals, how taken.
7. Committee to examine teachers, and when to annul certificates.
8. To visit schools, when and how often.
9. To make rules and regulations for schools.
10. May suspend pupils.
11. Committee to manage schools, if town is not divided into districts.

SECTION

12. Apportionment of the town's share of sixty-three thousand dollars.
13. Of twenty-seven thousand dollars.
14. Of registry tax and other funds.
15. Notice of apportionments to be given to trustees.
16. Orders on town treasurer, in what cases, and on what conditions, to be given.
17. Orders, to whom payable.
18. Orders not to be given, unless services have been performed.
19. Money forfeited, or unexpended, how to be divided.
20. Reports to town, when to be made.
21. Expense of printing reports, how to be paid.
22. Change in school-books, how made.

Officers.

SECTION 1. The school committee of each town shall choose a chairman and clerk, either of whom may sign any orders or official papers, and may be removed at the pleasure of said committee.

Meetings, when held;

SEC. 2. The school committee shall hold at least four stated meetings, viz: on the second Monday of January, April, July, and October, in every year, and as much oftener as the state of the schools shall require. A majority of the number elected shall constitute a quorum, unless the committee consist of more than six, when four shall be a quorum, but any number may adjourn.

quorum.

Committee may alter, &c., districts,

SEC. 3. The school committee may alter and discontinue school districts, and shall settle their boundaries when undefined or disputed; but no new district shall be formed with less than forty children, be-

tween the ages of four and sixteen, unless with the approbation of the commissioner of public schools.

SEC. 4. The school committee shall locate all school-houses, and shall not abandon or change the site of any without good cause. locate school-houses.

SEC. 5. In case the school committee shall fix upon a location for a school-house in any district, or shall determine that the school-house lot ought to be enlarged, and the district shall have passed a vote to erect a school-house, or to enlarge the school-house lot, or in case there is no district organization, and the committee shall fix upon a location for a school-house and the proprietor of the land shall refuse to convey the same, or cannot agree with the district for the price thereof, the school committee of their own motion, or upon application of the district, shall be authorized to appoint three disinterested persons, who shall notify the parties and decide upon the valuation of the land; and upon the tender, or payment, of the sum so fixed upon, to the proprietor, the title to the land so fixed upon by the school committee, not exceeding one acre, shall vest in the district, for the purpose of maintaining thereon a school-house, and the necessary appendages thereof. Land for school-house sites, taken without owners' consent, how appraised.

SEC. 6. An appeal in such case shall be allowed to the court of common pleas, in the same manner, and with the same effect, both as to the necessity of taking the particular land condemned, and the valuation thereof, and the like proceedings thereon shall be had, as is provided by law, in case of taking land for public highways. Appeal, how taken.

SEC. 7. The school committee may examine, by themselves, or by some one or more persons by them appointed, every applicant for the situation of teacher in the public schools of the town, and may, after five days' notice in writing, annul the certificate of such as upon examination of the party by them prove unqualified, or will not conform to the regulations of the committee, and in such case shall give immediate notice thereof to the trustee of the district in which such teacher is employed. Committee to examine teachers; when to annul certificates.

SEC. 8. The school committee shall visit, by one or more of their number, every public school in the town, at least twice during each term, once within two weeks of its opening, and once within two weeks of its close, at which visits they shall examine the register, and matters touching the school-house, library, studies, books, discipline, modes of teaching, and improvement of the school. When to visit schools.

SEC. 9. The school committee shall make and cause to be put up in each school-house, rules and regulations for the attendance and classification of the pupils, for the introduction and use of text-books, and works of reference, and for the instruction, government, and discipline, of the public schools, and shall prescribe the studies to be pursued therein, under the direction of the school commissioner. To make rules, &c., for schools.

SEC. 10. The school committee may suspend during pleasure all pupils found guilty of incorrigibly bad conduct, or of violation of the school regulations. May suspend pupils.

SEC. 11. Where a town is not divided into districts, or shall vote in a meeting duly notified for that purpose, to provide schools, without reference to such division, the committee shall manage and regulate said schools, and draw all orders for the payment of their expenses. To manage schools, when.

SEC. 12. Whenever the public schools are maintained by district organization, the committee shall apportion, as early as practicable in each year, among the districts, the town's proportion of the sum of sixty-three thousand dollars received from the state, one half equally, and the other half according to the average daily attendance of the schools of the preceding year. Apportionment of town's share of \$63,000.

- Of \$27,000. SEC. 13. Whenever the town is divided into school districts having the management of their own concerns, the committee shall apportion equally among all the districts of the town, the town's proportion of the sum of twenty-seven thousand dollars received from the state.
- Of registry tax, and other funds. SEC. 14. The school committee shall apportion the money received from the town, from the registry tax, from school funds, or from other sources, either equally or in such proportion as the town may direct, and for want of such direction, then in such manner as they deem best.
- Notice of apportionment. SEC. 15. The school committee shall, immediately after making the apportionment among the several districts as provided in the three sections next preceding, give notice to the trustees of the amounts so apportioned to each district.
- Orders on town treasurer, when to be given. SEC. 16. The school committee shall draw an order on the town treasurer in favor of such districts only, as shall have made a return to them in manner and form prescribed by them or by the commissioner of public schools, or as may be required by law, from which it shall appear that for the year ending on the first day of May previous, one or more public schools have been kept for at least six months, by a qualified teacher, in a school-house approved by the committee or commissioner, and that the money designated "teachers' money," received the year previous, has been applied to the wages of teachers, and to no other purpose.
- To whom payable. SEC. 17. Such orders may be made payable to the trustees or their order, or to the district treasurer, or teacher, and if the treasurer receive the money, he shall pay it out to the order of the trustees.
- To be given after services performed. SEC. 18. The school committee shall not give any such order, until they are satisfied that the services have actually been performed for which the money is to be paid; and the register, properly kept, has been deposited with the committee, or with some person by them appointed to receive the same.
- Division of forfeited, &c., money. SEC. 19. At the end of the school year, any money appropriated to any district which shall be forfeited, and the forfeiture not remitted, or which shall remain unexpended, shall be divided by the committee among the districts the following year.
- Report to town, when to be made. SEC. 20. The school committee shall prepare, and submit annually, at the annual town meeting, a report to the town, setting forth their doings, the state and condition of the schools, and plans for their improvement, which report, unless printed, shall be read in open town meeting, and the school committee shall transmit a printed copy thereof to the commissioner of public schools, on or before the first day of July in each year.
- Printing, how paid for. SEC. 21. The committee may reserve annually, out of the public appropriation, a sum not exceeding forty dollars, to defray the expense of printing their report.
- Change in school books, how made. SEC. 22. In any town in this state a change may be made in the school-books in the public schools of such town, by a vote of two thirds of the whole committee; notice of the proposed change having been given in writing at a previous meeting of said committee: *Provided*, that no change be made in any text-book oftener than once in three years, unless by the consent of the board of education.

CHAPTER 54.

OF TEACHERS.

SECTION

1. Certificate of qualification required.
2. Certificate valid for one year.
3. Qualifications of teachers.
4. When teachers may be dismissed.

SECTION

5. Teachers to keep register of scholars attending school, and prepare district's return if requested.
6. Moral instruction.

SECTION 1. No person shall be employed in any town to teach as principal or assistant in any school, supported, entirely or in part, by the public money, unless he shall have a certificate of qualification, signed either by the school committee of the town, or by some person appointed by said committee, or by the trustees of the normal school.

Certificate of qualification required.

SEC. 2. Such certificate, unless annulled, if signed by the school committee, shall be valid within the town for one year.

Valid for one year.

SEC. 3. The school committee shall not sign any certificate of qualification unless the person named in the same shall produce evidence of good moral character, and be found on examination qualified to teach the various branches required to be taught in the school.

Qualifications of teachers.

SEC. 4. The school committee of any town may, on reasonable notice and a hearing of the party, dismiss any teacher who shall refuse to conform to the regulations by them made, or for other just cause, and in such case shall give immediate notice to the trustees of the district.

When may be dismissed.

SEC. 5. Every teacher in any public school shall keep a register of the names of all the scholars attending said school, their sex, ages, names of parents or guardians, the time when each scholar enters and leaves the school, the daily attendance; together with the days of the month on which the school is visited by any officer connected with public schools, and shall prepare the district's return to the school committee of the town.

To keep register of scholars, &c.

SEC. 6. Every teacher shall aim to implant and cultivate in the minds of all children committed to his care the principles of morality and virtue.

Moral instruction.

CHAPTER 55.

OF LEGAL PROCEEDINGS RELATING TO PUBLIC SCHOOLS.

SECTION

1. Appeals from decisions relating to public schools, to whom made; duty of commissioner to hear and decide.
2. Statement of facts may be presented to justice of supreme court.
3. Appeals, rules of, prescribed by commissioner.

SECTION

4. Matters in dispute may be submitted to commissioner by agreement.
5. Votes ordering district taxes, final, unless appealed from.
6. Costs, in what cases not to be taxed against school officers.
7. Suit against district may be answered by inhabitant of district.

SECTION

- 8. Judgments against school districts, how satisfied.
- 9. Same subject.
- 10. Process against school district, how to be served.

SECTION

- 11. Record of clerk of district *prima facie* evidence.
- 12. Commissioner may remit certain fines, penalties, and forfeitures.

Appeals to school commissioner.

SECTION 1. Any person aggrieved by any decision or doings of any school committee, district meeting, trustees, or in any other matter arising under this title, may appeal to the commissioner of public schools, who, after notice to the party interested of the time and place of hearing, shall examine and decide the same without cost to the parties: *Provided*, that nothing contained in this section shall be construed to deprive such aggrieved party of any just legal remedy.

To justices of supreme court.

SEC. 2. The commissioner of public schools may, and if requested on hearing such appeal by either party shall, lay a statement of the facts of the case before one of the justices of the supreme court, whose decision shall be final.

Rules of appeals.

SEC. 3. The commissioner of public schools may prescribe from time to time rules regulating the time and manner of making such appeals, and to prevent their being made for trifling and frivolous causes.

Submission by agreement.

SEC. 4. Parties having any matter of dispute between them arising under this title, may agree in writing to submit the same to the adjudication of said commissioner, and his decision therein shall be final.

Votes ordering taxes, final, if not appealed from.

SEC. 5. If no appeal be taken from a vote of a district relating to the ordering of a tax, or from the proceedings of the officers of the district in assessing the same, or if on appeal, such proceedings are confirmed, the same shall not again be questioned before any court of law or magistrate whatever: *Provided*, that this section shall not be construed to dispense with legal notice of the meeting, or with the votes or proceedings being approved by the school committee or commissioner of public schools, whenever the same is required by law.

Costs not taxed, when.

SEC. 6. In any civil suit before any court, against any school officer, for any matter which might by this chapter have been heard and decided by the commissioner of public schools, no costs shall be taxed for the plaintiff, if the court are of opinion that such officer acted in good faith.

Of answering suits against district.

SEC. 7. Any inhabitant of a district, or person liable to pay taxes therein, may be allowed by any court to answer a suit brought therein against the district, on giving security for costs, in such manner as the court may direct.

Judgments against school districts, how satisfied.

SEC. 8. Whenever judgment shall be recovered in any court of record against any school district, the court rendering judgment shall order a warrant to be issued, if no appeal be taken, to the assessors of taxes of the town in which such district is situated, or in case of a joint district, composed of parts of towns, then to one or more of the assessors of each town, with or without designating them, requiring them to assess upon the ratable property in said district a tax sufficient to pay the debts or damages, costs, interest, and a sum in the discretion of the court sufficient to defray the expenses of assessment and collection. Said assessors shall, without a new engagement, proceed to assess the same, giving notice as in case of other district taxes.

Same subject.

SEC. 9. Said warrant shall also contain a direction to the collector

of the town, or in case of a joint district, then to the collector of either town, as the court may direct, requiring him to collect said tax ; and said warrant, with the assessment annexed thereto, shall be a sufficient authority for the collector, without a special engagement, to proceed and collect the same with the same power as in case of a town tax ; and when collected, he shall pay over the same to the parties to whom it may belong, and the surplus, if any, to the district. And the court may require a bond of the collector.

SEC. 10. Whenever any writ, summons, or other process shall issue against any school district in any civil suit, the same may be served on the treasurer or clerk, and if there are no such officers to be found, the officer charged with the same may post up a certified copy thereof on the door of the school-house, and if there is no school-house, then in some public place in the district, and the same, when proved to the satisfaction of the court, shall constitute a sufficient service thereof.

Process against district, how served.

SEC. 11. The record of the district clerk, that a meeting has been duly, or legally, notified, shall be *prima facie* evidence that it has been notified as the law requires. The clerk shall procure, at the expense of the district, a suitably bound book for keeping the record therein.

Record of clerk *prima facie* evidence.

SEC. 12. The commissioner of public schools may remit all fines, penalties, and forfeitures incurred by any town, district, or person under any of the provisions of this title, except the forfeiture incurred by any town for not raising its proportion of money.

Commissioner may remit fines, &c.

CHAPTER 56.

OF THE NORMAL SCHOOL, TEACHERS' INSTITUTES, AND LECTURES.

SECTION

- 1. Normal school, management of.
- 2. Qualifications of applicants for tuition.
- 3. Diploma, who to receive.
- 4. Trustees to examine applicants to teach.
- 5. When may pay travelling expenses of pupils.

SECTION

- 6. Teachers and lecturers for teachers' institutes and educational journal, appropriation for.
- 7. Commissioner of public schools to account to state auditor for expenditures.

SECTION 1. The Normal School shall be under the management of the board of education, and the commissioner of public schools, as a board of trustees.

Normal school, management of.

SEC. 2. All applicants from the several towns in the state shall be admitted to free tuition in said school, after having passed such an examination as may be prescribed by the board of trustees, and after having given to such board satisfactory evidence of their intention to teach in the public schools of this state for at least one year after leaving the said school.

Qualification for tuition.

SEC. 3. Persons who shall have passed the regular course of studies at the Normal School, shall, on the written recommendation of the principal, receive a diploma, signed by the trustees of the school.

Diploma.

Examination. SEC. 4. The said trustees shall, by themselves, or by a committee of their board, examine all applicants to teach in the public schools, and shall give certificates to such as are found qualified to teach school.

Travelling expenses of pupils, when to be paid. SEC. 5. The trustees of the Normal School may pay to each pupil who shall reside within the state, and not within five miles of said school, who shall have been duly admitted thereto, and who shall have attended the regular sessions of said school, and complied with the regulations thereof, during the term next preceding such payments, not exceeding ten dollars, for each quarter year, for travelling expenses, but such payments in the aggregate for such travelling expenses shall not exceed the sum of fifteen hundred dollars in any one year, and shall be made to the respective pupils entitled to the same, in proportion to the distance they may reside from said school.

Teachers' institutes, &c., appropriation for. SEC. 6. A sum not exceeding five hundred dollars shall be annually paid for defraying the necessary expenses and charges for procuring teachers and lecturers for teachers' institutes, to be holden under the direction of the commissioner of public schools; and a like sum of not exceeding five hundred dollars shall be annually paid for publishing and distributing some journal devoted to educational interests published in this state, among the several school districts.

Annual account. SEC. 7. The commissioner of public schools shall render an annual account to the state auditor, of his expenditures, under the provisions of this chapter, with his vouchers therefor.

CHAPTER 57.

OF TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

SECTION

- 1. Town councils may make ordinances respecting truants; penalty for violation thereof.
- 2. Same subject.

SECTION

- 3. Ordinances to be approved by the commissioner.
- 4. Towns to appoint persons to make complaints, for the violation of such ordinances.

Town councils may provide respecting truants.

SECTION 1. Town councils shall make needful provisions and arrangements concerning habitual truants, and children not attending school, or without any regular and lawful occupation, or growing up in ignorance, between the ages of six and sixteen years; and also all such ordinances respecting such children as shall be deemed most conducive to their welfare, and to the good order of such town, and may provide penalties for the breach of any such ordinance, not exceeding twenty dollars for any one offence.

Same subject.

SEC. 2. Any such minor convicted under any such ordinance of being an habitual truant, or of not attending school, or of being without any lawful occupation, or of growing up in ignorance, may, at the discretion of the court having jurisdiction of the case, instead of being fined as aforesaid, be committed to any institution of instruction or suitable situation provided for that purpose.

Approval by commissioner.

SEC. 3. Before any ordinances made under the authority of the next two preceding sections hereof shall take effect, they shall be approved by the commissioner of public schools.

SEC. 4. The several towns, availing themselves of the provisions of this chapter shall appoint, at their annual town meetings, or annually, by their town councils, three or more persons, who alone shall be authorized to make the complaints, in case of violation of said ordinances, to the court which, by said ordinances shall have jurisdiction in the matter; and said persons thus appointed shall alone have authority to carry into execution the judgment of such court.

Appointment of complainants.

CHAPTER 58.

GENERAL PROVISIONS RELATING TO PUBLIC SCHOOLS.

SECTION

1. No person excluded from school, unless by general rule.
2. School officers to be engaged.
3. Record of district clerk, *primâ facie* evidence of engagement.
4. Tenure of office of school officers.
5. Penalty for neglect of duties.
6. School committee, board of education, and commissioner, may visit schools incorporated or aided by the state.
7. Penalty for refusing to permit such visitation.
8. Penalty for nuisances near school-house.

SECTION

9. Construction of the word "town."
10. Public schools in city of Providence, how governed.
11. Taking of fees, &c., for promoting sale or exchange of school books, &c., prohibited.
12. Offering of fees, &c., to public school officers for such purpose, prohibited; penalty for offering or receiving such fees.
13. Children of deceased soldiers and sailors, when admitted free to public schools.

SECTION 1. No person shall be excluded from any public school in the district to which such person belongs, if the town is divided into districts, or if not so divided, from the nearest public school, on account of race or color, or for being over fifteen years of age, nor except by force of some general regulation applicable to all persons under the same circumstances.

Exclusion to be by general rule..

SEC. 2. Every school officer elected or appointed under the provisions of this title, except the moderator of a district meeting, shall take an engagement before some person authorized to administer oaths, to support the constitution of the United States, the constitution and laws of this state, and faithfully to discharge the duties of his office so long as he shall continue therein.

Engagement of school officers.

SEC. 3. The record of the district clerk that any district school officer has been duly engaged, shall be *primâ facie* evidence thereof; and no school district officer shall enter upon the duties of his office, without taking an engagement.

Evidence of.

SEC. 4. Every school officer elected or appointed under the provisions of this title shall, without a new engagement, hold his office until the time of the next annual election or appointment for such office, and until his successor is elected or appointed and qualified.

Tenure of office.

SEC. 5. Every officer who shall make any false certificatè, or appropriate any public school money to any purpose not authorized by law, or who shall refuse for a reasonable charge to give certified copies of any official paper, or to account or deliver to his successor,

Penalty for neglect of duties.

any accounts, papers or money in his hands, or shall wilfully or knowingly refuse to perform any duty of his office, or violate any provisions of any law regulating public schools, except where a particular penalty may be prescribed, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months, and shall be liable to an action on the case for damages, to be brought by any person injured thereby.

Schools aided by state, to be visited.

SEC. 6. Any school receiving aid from the state, either by direct grant or by exemption from taxation, may be visited and examined by the school committee of the town or city, in which such institution is situated, and by the members of the board of education and the commissioner of public schools, whenever they shall see fit.

Penalty.

SEC. 7. Whenever such school shall refuse to permit such visitation, when requested, its exemption from taxation shall thereafter cease and be determined.

Penalty for nuisances near school-house.

SEC. 8. Every person who shall keep any swine, in any pen or other enclosure, or shall keep, or suffer to be kept, any other nuisance, within one hundred feet of any district school-house, or within one hundred feet of any fence enclosing the yard of any such school-house, shall be fined twenty dollars, one half thereof to and for the use of the school district in which said offence is committed, and the other half thereof to and for the use of the state.

Construction of word "town."

SEC. 9. In the construction of this title, except in the construction of chapter fifty-seven and the sixth and seventh sections of this chapter, the word town shall include the city of Providence only so far as to entitle said city to a distributive share in the public money, upon making a report to the commissioner, in the same manner as the school committees of other towns are required to do.

Schools in Providence.

SEC. 10. The public schools in said city shall continue, as heretofore, to be governed according to such ordinances and regulations as the proper city authorities may from time to time adopt.

Fees, &c., prohibited to school officers.

SEC. 11. No superintendent or school committee of any town, or any other person officially connected with the government or direction of the public schools, shall receive any private fee, gratuity, donation, or compensation in any manner whatsoever, for promoting the sale or the exchange of any school book, map, or chart, in any public school.

Penalty for offering fees, &c.

SEC. 12. No person shall offer to any public school officer any fee, commission, or compensation whatsoever, as an inducement to effect through such officer any sale, or promotion of sale, or exchange, of any school book, map, chart, or school apparatus; and every person violating any provision of this chapter, shall be fined not exceeding fifty dollars, or be imprisoned not exceeding thirty days.

Children of deceased soldiers and sailors, when admitted free.

SEC. 13. All the public schools in the state, including the State Normal School, shall be open to the children of officers and soldiers belonging to the state, mustered into the service of the United States, and of those persons belonging to the state, and serving in the navy of the United States, and who died in said service during the late rebellion against the authority of the United States, or who were discharged from said service, in consequence of wounds or disease contracted in said service, or who were killed in battle, without any cost or expense for taxes, or other charges imposed for purposes of public education.

TITLE X.

OF HIGHWAYS, DRIFTWAYS, AND BRIDGES.

CHAPTER 59. Of laying out and making highways and driftways.

CHAPTER 60. Of repairing highways and bridges.

CHAPTER 61. Of certain bridges.

CHAPTER 62. Of travelling on highways.

CHAPTER 63. Of guide boards.

CHAPTER 59.

OF LAYING OUT AND MAKING HIGHWAYS AND DRIFTWAYS.

Highways laid out by town councils.

SECTION

1. Town councils may lay out highways.
2. May appoint men to mark out highway.
3. How the men appointed shall proceed in marking out highway.
4. How damage shall be settled.
5. Plat of new highway to be made and returned.
6. Parties interested to be notified.
7. Action of town council on the report.
8. Town councils may lay out driftways.
9. Proceedings in laying out same.
10. Gates and bars on same, how maintained.
11. Appeal from laying out highway, how and by whom taken.
12. Appeal, how tried.
13. Damages and charges for laying out highway, how to be paid, and how to be recovered.
- 14 and 15. How to be paid, and how recovered, where claimants have different interests.
16. Trustee, when and how appointed.
17. Bond of trustee, to whom given.

Highways declared such after twenty years' use.

18. In what cases lands become pub-

SECTION

- lic highways from twenty years' use.
19. How town council shall proceed before declaring such lands to be highways.
 20. Appeal from such proceedings, by whom and how taken.
 21. Such highways to be platted.
 22. Town council may widen such highways.
 23. When no plat of such highway has been made, how town council shall proceed.
 24. Proceedings before town council, evidence against whom and with what effect.

Land conveyed by deed for highways.

25. Of highways created by deed, how opened and repaired.

Land dedicated to highways and other purposes.

26. Of the interest acquired by the public in lands by dedication or user, and remedies for injuries thereto.
27. Town not liable to repair highway so acquired, until declared such by the town council.

Alteration and discontinuance of highways.

28. Town councils may alter or discontinue highways or driftways.

SECTION

29. Town councils to have like control of highways laid out by general assembly as of those laid out by town councils; towns subject to same liabilities.

SECTION

30. Consequences of declaring highway or driftway useless.

31. Appeals from decrees of town council, when to be taken.

Highways laid out by town councils.

Town councils may lay out highways.

SECTION 1. The town councils of the several towns may order highways to be laid out so far and through such part of their respective towns, as they may judge necessary.

May appoint men to mark out highways.

SEC. 2. For the due marking out of any highway, the town council shall appoint three suitable and indifferent men, not interested or concerned in the land through which such highway is to pass, who shall be sworn to the faithful discharge of their trust.

Mode of procedure.

SEC. 3. Said three men, accompanied by a justice of the peace and a constable, or the town sergeant of the town, to be named by the town council for that purpose, shall go to the place where such highway is ordered to begin, and from thence proceed to survey, bound, and mark out a highway conformable to the direction of the town council; and they shall take care to lay it in such manner as may be most advantageous to the public, and as little as may be to the injury of the owners of the land through which it passes.

How damage shall be settled.

SEC. 4. They shall also agree with the owners of the land over which such way is laid out, for the damage they shall sustain, if any, by means of such highway passing through their lands; and in case they cannot agree with the owners, the town council shall value and appraise the damage, if any, caused by such highway passing through their lands.

Plat of new highway.

SEC. 5. They shall, after having laid out said highway as aforesaid, cause a plat thereof to be made, which, together with a report of their doings, in writing, by them signed, shall be by them presented to the town council.

Notice to parties interested.

SEC. 6. The town council thereupon shall cause notice to be given to all persons interested in the land through which such highway is laid, to appear before them, if they see fit, and be heard for and against receiving the report; notice to persons interested as aforesaid living without the state, shall be given by advertisement, three weeks successively, in some newspaper printed within the state, and where their residence is known, also by letter, post paid, duly mailed to them by the council clerk.

Action of town council on report.

SEC. 7. The council shall, after hearing the persons appearing to be heard, proceed to receive, or reject the report, as to them shall appear just and right; and if the report be approved and received, they shall cause the same to be recorded, and the highway to be established and laid open, by removing all buildings, fences, and other impediments therein, which shall be done by the town sergeant or constable of the town, under a warrant from the town council to him directed for that purpose.

Lay out of driftways.

SEC. 8. The town councils may lay out driftways in their respective towns, in such places, and of such widths, as they shall think necessary, as fully as by law they are empowered to lay out highways.

Mode of procedure.

SEC. 9. Driftways shall be laid out in the same manner, and under the same regulations, in every respect, as highways; the damage shall be ascertained in the same manner as in laying out highways.

SEC. 10. The town council may order and direct who shall be at the charge of maintaining gates and bars where any driftway shall be laid out, and also whether the same shall be furnished with gates or bars. Gates and bars, how maintained.

SEC. 11. If any person, through whose land a highway or driftway is laid, shall be aggrieved by the doings of the committee or town council, he, his heir, or devisee may appeal to the next court of common pleas to be holden for the county in which such highway or driftway is located, giving bond to the town to prosecute his appeal, and producing an attested copy of the whole proceedings to such court, and filing his reasons of appeal with the clerk of the court, ten days before the sitting thereof. Appeal from lay out, how and by whom taken.

SEC. 12. Such appeal shall be tried in the same manner as other civil causes pending in said court, and the judgment of said court shall be final therein, except as to matters of law, which may, by either party, be brought before the supreme court, in the same manner, and with like effect, as is provided in cases of which the court of common pleas has exclusive original cognizance without appeal. How tried.

SEC. 13. The charges for laying out any highway or driftway, and all such damages as shall be agreed for or adjudged to any person through whose land such highway or driftway is laid, either by the committee, town council, or court, shall be paid by the town treasurer of the town in which the highway or driftway is laid; and if he shall refuse or neglect to pay the same, an action may be brought and maintained for such money, by the person to whom the same is due and payable. Damages, &c., for lay out, how paid and recovered.

SEC. 14. When persons having a claim for damages sustained in their lands by the laying out, alteration, or discontinuance of a highway, or by the taking of lands for the construction of waterworks or other public works, have separate or different interests in such lands, so that an estate for a term of years, or for life, belongs to one person, and remainders either contingent or vested, or the reversion in said lands belongs to others, entire damages, or an entire sum as indemnity, shall be assessed in the same manner as is provided in other cases where lands are so taken, without any apportionment thereof. How, where claimants have different interests.

SEC. 15. The amount of such damages or indemnity, subject to any and all liens thereon, shall be paid over and be recoverable by any person whom the parties owning the several interests in such lands may appoint, to be invested by him when paid over or recovered, in such manner as the supreme court shall direct, and held in trust for the benefit of the parties entitled thereto, according to their several interests, the annual income to be paid over to the person owning the estate for years, or life, for and during the continuance of such estates, and the remainder, after the termination of such estates, to be paid over to the persons entitled to the same. Same subject

SEC. 16. If any of the persons having an interest in such lands shall, by reason of any legal disability, be incapacitated from choosing a trustee, or if the parties in interest cannot agree upon a choice, the supreme court, upon application of any of the parties interested in such lands, and after notice to all parties interested, shall appoint some suitable person as trustee. Trustee, when and how appointed.

SEC. 17. Said trustee shall, before entering upon the duties of his trust, give a bond to the clerk of the supreme court, with surety or sureties to the satisfaction of said court, in such sum as said court shall direct, with condition for the faithful performance of his duties as trustee as aforesaid, which bond, upon breach of its condition, may Bond of trustee, to whom given.

be put in suit for the use and benefit of the person interested in such lands, in like manner as is provided in the case of bonds given by executors or administrators.

Highways declared such after twenty years' use.

When lands become high-ways from twenty years' use.

SEC. 18. All lands which have or shall be quietly, peaceably, and actually used and improved, and considered as public highways for the space of twenty years, and which shall be declared by the town council of the town wherein they lie to be public highways, shall be taken and considered as public highways to all intents and purposes, as fully and effectually as if the same had been regularly laid out, recorded, and opened by the town council of the town where such lands may lie.

Proceedings before declaring such lands highways.

SEC. 19. Every town council, before they proceed to act under the provisions of the next preceding section, shall give personal notice of their intention to all persons interested, or who may have any claim to the land over which such highway passes, as described in said section, if known to reside in this state; and if not known, or if known to reside without the state, then in the manner prescribed by the sixth section of this chapter.

Appeal from such proceedings, by whom and how taken.

SEC. 20. Every person aggrieved by such proceedings may appeal therefrom to the next court of common pleas within the county in which such highway lies; first giving bond and filing reasons of appeal in the manner provided and required in the eleventh section of this chapter, whereupon like proceedings shall be had, in all respects, as is, in the eleventh and twelfth sections, provided.

Such highways to be platted.

SEC. 21. In declaring lands, which have been quietly, peaceably, and actually used and improved, and considered as public highways and streets, for the space of twenty years, to be public highways as aforesaid, the town council of the town in which such lands lie shall determine, mark out, plat, or cause to be marked out and platted, the lands, in width as well as length, by such use and improvement appropriated as public highways, and declared as such; and shall cause said plats to be recorded: but nothing herein contained shall be construed to affect the requirements or provisions of the preceding section.

Town councils may widen such highways.

SEC. 22. If any lands, used and improved for twenty years and upwards as a public highway or street, shall not, in the judgment of the town council, be wide enough for the necessities or convenience of the public, the town council may proceed to widen the said highway, in whole or in part, pursuing, as to the portion so widened, the steps required by law for laying out new highways.

Proceedings, when no plat of highway has been made.

SEC. 23. In case any lands have heretofore been declared to be a public highway, under the eighteenth section of this chapter, and no such plat was made and recorded as aforesaid, the town council may cause the lands, appropriated by such declaration as a public highway, to be marked out, platted, and recorded as aforesaid, in which case they shall give the notice, and their proceedings shall be subject to the appeal, above provided.

Proceedings before town council, evidence against whom, &c.

SEC. 24. The proceedings before the town council under the six sections next preceding, in so far as said proceedings shall not have been set aside on appeal taken as above provided, with the accompanying plat, or duly certified copies thereof, shall forever thereafter be conclusive evidence upon the town, and all parties notified, and their privies, as to the existence of the highway, in width and length, as platted, and *primâ facie* evidence thereof as to all others.

Land conveyed by deed for highways.

SEC. 25. Whenever the owner of any land shall make a deed thereof to the town wherein such land lies, for the especial purpose of being used and improved as a public highway, and the deed shall have been duly acknowledged and recorded, the land shall be thenceforward a public highway to all intents and purposes, and be liable to be opened by the town council of the town wherein the same shall lie, in the same manner as highways which are laid out by said town council; but no town shall be liable to repair such highway, until the town council thereof shall decree and order that the same shall be repaired at the expense of such town.

Highways created by deed, how opened and repaired.

Land dedicated to highways and other purposes.

SEC. 26. Nothing in this chapter contained shall be construed to hinder or prevent the public from acquiring, by dedication or user, lands or any interests in lands for highways or other public uses, according to the course of the common law, or to take away or abridge any legal or equitable remedy by the common or the general law provided in cases of injuries to, or obstructions to, the enjoyment of lands, or any interest in lands thus or otherwise by law acquired by the public, or devoted to public uses.

Of interest by dedication or user, and remedies for injuries thereto.

SEC. 27. Nothing in the preceding section contained shall be construed to render any town liable for the mending and repairing of any highway, unless the same shall have been declared to be a public highway, by the town council of the town wherein it lies.

Town not liable to repair, &c., until declared a highway, &c.

Alteration and discontinuance of highways.

SEC. 28. Town councils may mark out, relay, widen, straighten, change the location, or abandon the whole of, or any part of, any highway or driftway, whether laid out by the state or otherwise, except the highways on both sides of the Woonasquatucket River directed to be laid out by chapter 362 of the public laws, and thereupon like proceedings shall be had in all respects, so far as the same are applicable, including appeals, as are provided in this chapter in case of taking land, and ascertaining damages to the owners of lands taken in laying out, or in case of abandonment, of highways.

Town councils may alter, &c., highways and driftways.

SEC. 29. Town councils shall have like control of any highway or driftway laid out by the general assembly, and the town in which the same lies shall be subject to like duties and liabilities in relation thereto, as they respectively have, or are subject to, in case of highways laid out by a town council.

Of highways laid out by general assembly.

SEC. 30. Whenever a highway or driftway, or any part of either, shall be declared to be useless, the liability of the town to keep the same in repair shall cease: *Provided*, the town council shall cause a sign to be placed at each end of such highway or driftway, having thereon the words, "Not a public highway;" but nothing herein contained shall affect the right which any person has to any public way over the land taken for the highways so declared to be useless, at the time of the taking thereof.

Consequences of declaring highway or driftway useless.

SEC. 31. Every appeal taken from any order and decree of the town council under the provisions of this title shall be claimed within forty days from the rendition of the final decree, ordering such highways or driftways to be established, altered, discontinued, or laid open, except as provided in cases where an appeal survives.

Appeals, how taken.

CHAPTER 60.

OF REPAIRING HIGHWAYS AND BRIDGES.

SECTION

1. Towns to keep highways and bridges in repair.
2. Town councils to assign districts to surveyors of highways.
3. Towns to raise money to repair highways.
4. Town councils to determine the sum to be expended in each district, and make a tax list for each surveyor.
5. Surveyor to give notice to each person in his district of the sum he is assessed, and the time when he is to work the same out or pay the amount.
6. Surveyor to return list of delinquents to assessors; deficiencies, how collected.
7. Penalty on surveyor if he neglects to make such return.
8. Surveyors to have same power to collect taxes as collectors.
9. If sum appropriated for any district be insufficient, surveyor may employ persons to repair highways.
10. How surveyor to proceed in case the town neglects to provide a sum for repairing highways.
11. Persons to be notified.
12. Penalties on persons for not working on highways when notified.
13. Penalties on towns for not repairing highways and bridges.
14. Towns liable for injuries caused by neglect in repairing highways and bridges.
15. Towns to provide for removing snow from highways so that they may be passable; limitations of liability for injuries caused by snow and ice.
16. Penalty for having highways obstructed by snow.
17. Powers and duties of surveyors of highways.
18. Same subject.
19. Claims for damages made under two next preceding sections, claims against town.
20. Surveyor not to turn watercourse

SECTION

- to injury of any person, without consent of town council.
21. Proceedings by person aggrieved by such watercourse.
 22. Bridges over artificial watercourses, by whom maintained.
 23. Same subject.
 24. Bridges on dividing lines of towns and on the lines of the state, by whom to be supported.
 25. Penalty on towns for neglecting to repair such bridges.
 26. Of Hunt's Bridge.
 27. Bridges on turnpike-roads, how maintained.
 28. Bridges on new highway nearly coincident with old highway, how maintained.
 29. Culverts over ditches in highways may be built and maintained by whom, and for what purposes; power of town council over such culverts.
 30. Walls and fences on highways and turnpikes not to be removed.
 31. Surveyors of highways, how paid.
 32. Penalty upon for neglect of duty.
 33. Towns may defray expenses of repairing highways out of town treasury, and appoint surveyors in town meeting.
- Of the grading of highways.*
34. Town councils may order grading of highways; established grade, how changed.
 35. May order sidewalks established and curbed.
 36. Cost of curbstones to be paid by abutting owners.
 37. Cost, how to be ascertained and collected.
 38. Proceedings, where abutting owners claim to be injured by change of grade.
 39. Appeals from appraisal of damages, when and how taken.
 40. Proceedings in case of such appeal.
 41. Towns liable to abutting proprie-

SECTION
 tors for injury caused by change
 of grade.

SECTION
 42. What islands exempted from pro-
 visions of this chapter.

SECTION 1. All highways, causeways, and bridges, except as is hereinafter provided, lying and being within the bounds of any town, shall be kept in repair and amended, from time to time, so that the same may be safe and convenient for travellers with their teams, carts, and carriages, at all seasons of the year, at the proper charge and expense of such town, under the care and direction of the surveyor of highways for such town.

Towns to keep highways and bridges in repair.

SEC. 2. The town council of each town shall assign and appoint, in writing, annually, to the surveyors, their several limits and divisions of the highways for repair and amendments, unto which assignments the said surveyors shall conform.

Town councils to assign districts to surveyors of highways.

SEC. 3. Each town, at some public meeting of the electors thereof who are entitled to vote upon any proposition to impose a tax, regularly notified and warned, shall vote and raise such sum of money, to be expended in labor and materials on the highways aforesaid, as they may deem necessary for that purpose; and either the assessors or the town council, as the town may direct, shall assess the same on the ratable estate of the inhabitants thereof, and all others owning ratable property therein, as other town taxes are by law assessed.

Towns to raise money to repair highways.

SEC. 4. The town council shall determine the sum to be expended in repair of the highways within the limits of each surveyor, and the persons assessed as aforesaid, who shall be liable to pay the same, and shall cause to be delivered to each surveyor a list of the said persons whose taxes may be so appropriated for the repair of highways within his limits, and the sums at which they are severally assessed.

Town councils to fix sum to be expended in each district, &c.

SEC. 5. Upon the receipt of his tax bill, each surveyor shall give reasonable notice to each person in his list, of the sum he is assessed to the highways aforesaid, and also to the inhabitants within his district assessed as aforesaid of the times and places he shall appoint for providing materials and labor; to the end, that each person may have opportunity to work on the highways in person or by substitute, or with his oxen, horses, cart and plough, at the rates and prices the town or town council shall affix to such labor, to the full amount of the sum at which he is assessed; or he may pay the surveyor in money the sum he is assessed; in which case the surveyor shall carefully expend the sums thus paid, in labor and materials, for repairing the highways in his limits, according to his best discretion.

Surveyor to give notice to person assessed of sum assessed, &c.

SEC. 6. Immediately after the expiration of one year from the assessment of any such tax, each surveyor shall render to the assessors for the time being a list of such persons as shall have been deficient, if any there be, in working out their highway rate or otherwise paying him the sum assessed therefor, together with the amount of each person's deficiency; which deficient sums shall, by the assessors, be put in a distinct column in the next assessment for the town tax, and be collected by the collector thereof as other town taxes are collected, and paid into the town treasury for the use of the town, to be specially appropriated and expended in repair of the highways within the limits of the town or district to which the tax of such delinquent was originally assigned and appointed or assessed.

To return list of delinquents to assessors;

deficiencies, how collected.

SEC. 7. If any surveyor, at the expiration of the term aforesaid, or whenever required by the said town, shall neglect to make to the assessors, or the town clerk for their use, the returns required by the

Penalty on surveyor neglecting to make such return.

preceding section, he shall be held accountable for the whole amount of the tax assigned him to be collected; which shall be, by the assessors, included in the next town tax against him, and collected as other town taxes; to be appropriated, when collected, for the repair of the highways within the limits and divisions to which such tax so assigned to said surveyor to be collected was originally appointed or assessed: *Provided*, any town may, in lieu hereof, impose any other penalty which they may deem sufficient to insure the making of the returns.

Surveyors empowered like assessors, to collect tax.

SEC. 8. Whenever any such tax shall remain unpaid for the space of thirty days after notice given by the surveyor to work out or pay the same, the surveyors shall have the same power to collect said taxes as collectors of taxes in ordinary cases, and they may be collected in the same manner as other taxes, and when collected, they shall be expended in repair of highways, within the limits and divisions to which said tax was originally assigned and appointed or assessed.

Persons may be employed to repair highway, if appropriation be insufficient.

SEC. 9. Whenever the sum appropriated and assessed for the repair of the highways in the limits of any particular surveyor shall be insufficient for that purpose, it shall be lawful for the surveyor, with the consent of the town council, to employ such persons upon the repair of such highway in his limits, as shall make up such deficiency; and the persons thus employed shall be paid out of the town treasury therefor.

Proceedings, if sum for repairing highways be not appropriated.

SEC. 10. If the authorized electors in any town shall neglect to vote or agree upon a sum to be assessed for the purpose of repairing the highways aforesaid, or shall not otherwise provide for effectually repairing the same, each surveyor shall assign to the several persons in his limits, liable to the same, their ratable proportion of day's work, and of cart, team and plough, according to their taxable property, as near as he can; and shall assign certain days for repairing the ways aforesaid, and give notice thereof in writing to the persons aforesaid, in his limits, liable by law to be taxed.

Persons to be notified.

SEC. 11. Such notice shall be left at the usual place of abode of each person liable, two days at least before the assignment, except in extraordinary cases, when such persons may be warned to appear forthwith, to attend for the purpose aforesaid, with suitable tools, and with carts and teams, if any they have.

Penalties for not working on highways when notified.

SEC. 12. If any person being thus notified shall make default of attending and working, by himself or other sufficient person in his stead, or with his cart and team, as he shall be appointed and assigned, he shall forfeit for each day's neglect two dollars, and for default of his cart and team with a driver, for each day five dollars, and in that proportion for a longer or shorter space of time, to the use of the town; to be recovered in the name of the town treasurer.

Penalties on towns not repairing highways and bridges.

SEC. 13. Every town which shall neglect to keep in good repair its highways and bridges, shall be fined not less than fifty dollars, nor more than five hundred dollars; and execution shall issue therefor against such town.

Towns liable for injuries caused by neglect to repair same.

SEC. 14. Such town shall also be liable to all persons who may in anywise suffer injury to their persons or property by reason of any such neglect; to be recovered in an action of the case, to be brought against the town or towns which are bound to keep such roads or bridges in repair as aforesaid.

Towns to provide for removing snow from highways.

SEC. 15. The several towns shall provide by law, in such manner and under such penalties as they may deem expedient, for removing

snow from the public highways, so as to render the same passable with teams, sleds, and sleighs; but nothing in this chapter contained shall be construed to render any town or city liable for any injury to person or property caused by snow or ice obstructing any or any part of the highways therein, unless notice of the existence of the particular obstruction shall have been given to the surveyor of highways, in writing, for at least twenty-four hours before the injury was caused, and such town or surveyor shall not thereupon within said time have commenced the removal of such obstruction, or caused any sidewalk which may have been obstructed by ice to be rendered passable, by spreading ashes or other like substances thereon.

Limitation of liability, &c.

SEC. 16. If the snow be suffered to remain in any public highway in any town so as to obstruct any person in passing along such highway with his team, sled, or sleigh, for twenty-four hours after such highway shall become obstructed, such town shall be fined not less than ten dollars, nor more than one hundred dollars; but nothing herein contained shall be construed to subject any town to the fine aforesaid, if the surveyor of highways, or some other person duly authorized for that purpose by such town, with the power vested in him by the laws of the state, shall have commenced the removal of such obstructions within the time aforesaid, and shall within three days remove the same.

Penalty for having highways obstructed by snow.

SEC. 17. Surveyors of highways may cut down, lop off, dig up, and remove all sorts of trees, bushes, stones, fences, rails, gates, bars, enclosures, or other matter or thing that shall in any manner straighten, obstruct, or incommode any highway: *Provided*, that nothing herein contained shall authorize any surveyor, except under the direction of the town council, to cut down or destroy, or other than in a reasonable and proper manner to lop off or trim up any shade or ornamental tree, so planted or maintained by any adjacent owner or occupant upon or near the side of any highway, as not to incommode the travelled path.

Powers of surveyors of highways.

SEC. 18. Surveyors of highways may, for the purpose of obtaining materials for repairing any highway, enter upon and dig for stone, gravel, clay, marl, sand, or earth in any adjoining land not forming a part of the messuage connected with any dwelling-house, or not used as a cemetery or burial ground, or otherwise appropriated to the burial of the dead; and the material thus dug up may remove to such place or places in such highway, for the repair and amendment thereof, as they shall deem necessary. And when any highway is blocked up or encumbered with snow, the surveyor shall cause so much thereof to be removed or trod down as will render such highway passable.

Same subject.

SEC. 19. All claims for damages for any acts done, or materials taken under the two preceding sections, shall be claims against the town under which the surveyor of highways acted.

Claims for damages.

SEC. 20. No surveyor of highways shall cause any watercourse in any highway to be so conveyed as to incommode any person's land, house, store, shop, or other building, or to obstruct any person in the prosecution of his business or occupation, without the consent or approbation of the town council of such town, signified in writing to such surveyor.

Surveyor not to turn watercourse, &c.

SEC. 21. Every person who may consider himself aggrieved by such watercourse may complain to the town council; and said council, on receiving his complaint and examining into the circumstances of the same, shall, if they think reasonable, direct such surveyor to alter said watercourse, in such manner as they shall think proper.

Proceedings by person aggrieved.

Bridges over watercourses, how maintained.

SEC. 22. Whenever any artificial watercourse has been or shall be made under, through, or by the side of any highway previously existing, the proprietors or occupants of such watercourse shall make and maintain all necessary bridges over such watercourse, and all fences which may be necessary along the side of the same.

Same subject.

SEC. 23. Whenever any highway has been or shall be laid out over or by the side of any artificial watercourse, made previously to such laying out, the town laying out such highway shall make and maintain the necessary bridges over such watercourse, and such fences along the side of the same, as may be needed for the safety of travellers.

Bridges on dividing lines, &c., how established, &c.

SEC. 24. All public bridges on the dividing lines between towns shall be established and kept in repair at the expense of the towns adjoining said bridges; and every public bridge on the dividing line between this state and the adjoining states shall be established and kept in repair, on the part of this state, at the expense of the town adjoining such bridge.

Penalty on towns neglecting to repair such bridges.

SEC. 25. If any town adjoining any such bridge shall refuse or neglect to keep in good repair the part of such bridge within and next adjoining the line of such town, the town so neglecting or refusing shall be fined not less than twenty dollars, nor more than one thousand dollars; and execution shall issue for the amount of said fine and costs against the said town; but nothing herein contained shall be construed to impair any agreement made between any towns, relative to the supporting and repairing of bridges.

Of Hunt's Bridge.

SEC. 26. Whenever the bridge, called Hunt's Bridge, which divides the towns of East Greenwich, Warwick, and North Kingstown, shall not be in repair, the same shall be repaired, or a new bridge erected, by the towns of North Kingstown, Warwick, and East Greenwich, in the following proportions, to wit: the one half part of all the expense of repairing or rebuilding the bridge shall be paid by the town of North Kingstown; one fourth part by the town of Warwick; and one fourth part by the town of East Greenwich.

Bridges on turnpike-roads, how maintained.

SEC. 27. Whenever any two turnpike-roads commence or terminate at the same bridge, the said roads shall be deemed and taken as commencing or terminating at the middle of said bridge; and the said bridge shall be kept in repair and amended from time to time, so that the same may be safe and convenient for travellers, with their horses, teams, carts, and carriages, at all seasons of the year, at the joint charge and expense of the turnpike corporations whose roads commence or terminate at said bridge; and the said bridge shall, to all intents and purposes, be deemed and taken as a part of said turnpike-road, and not as a bridge, for the repairing or amending of which, the town in which the same may be situated, shall be, by law, liable.

How maintained on new highway, nearly coincident with old.

SEC. 28. Whenever any highway has been or shall be laid out over any tract or parcel of land used at the time of such laying out as a highway, such laying out shall not be deemed or construed to affect, or in anywise alter the rights or duties of the town, or any individual, as to the maintenance of bridges over any part of said new highway which so nearly coincides with the old highway as not to require the removal of such bridges, or the building of them in a different place from which they previously stood.

Culverts over ditches, how maintained, &c.;

SEC. 29. Every person owning land adjoining any public highway or turnpike-road, may build such bridges or culverts, over the ditches which may be made in such highway or road for the passage of

water, as may be necessary to render the passage from such land to such highway or road safe and convenient; and no such bridge or culvert shall be altered, removed, or disturbed by any person, except under the direction of the town council of the town where the same may be situated, or of some person by them appointed for that purpose.

power of town council over.

SEC. 30. No surveyor of highways, or officer, agent, or servant of any turnpike company, shall remove the earth so near to any wall or fence erected upon or without the limits of such highway or company's road, as to undermine or overthrow the same, unless the same shall be absolutely necessary for the security or convenience of the public; and, in that case, the repairs shall be made under the supervision of the town council, or of some person by them appointed; and the town or turnpike company shall be at the expense of repairing or resetting the wall or fence removed.

Walls and fences not to be removed, &c.

SEC. 31. Surveyors of highways shall be paid out of the town treasury, at the rate of two dollars per day, for all the time necessarily spent in the discharge of the duties of their office, when no other mode or amount of compensation shall have been provided by any town or town council.

Surveyors, how paid.

SEC. 32. Every surveyor of highways who shall neglect the duties of his trust, shall forfeit twenty dollars for every neglect, to be recovered in the name of the town treasurer, to the use of the town.

Penalty for neglect of duty.

SEC. 33. Instead of the mode herein prescribed for mending highways and bridges by taxes as aforesaid, any town may defray the expenses of repairing and keeping the same open out of the town treasury of such town, or otherwise, as they may find expedient, anything herein to the contrary notwithstanding; in which case the town may appoint surveyors thereof, at any town meeting legally convened.

Towns may defray expenses of repairing highways out of town treasury, &c.

Of the grading of highways.

SEC. 34. Town councils may order highways or parts of highways to be graded within their respective towns, and when a grade for any highway shall be established, the same shall not be changed but with the consent of the town council of the town in which it is located, nor without notice to the proprietors of lands abutting on said highway, which notice, if the proprietor resides within this state, shall be served five days before the passing of an order for such grade or change of grade, and if any of the proprietors reside without the state, notice shall be served upon them as provided by section six of chapter fifty-nine. At the time and place named in said notice, the town council shall proceed to hear the parties, and to pass such order in reference to such grade, or change of grade, as they may think proper.

Town councils may order grading of highways, &c.; established grade, how changed.

SEC. 35. Whenever any highway is graded, or the grade thereof is changed, the town council may order sidewalks therein to be established, and such sidewalks to be curbed, upon like notice to the abutting proprietors of lands, as is provided in the next preceding section of this chapter.

May order sidewalks established and curbed.

SEC. 36. Whenever any highway shall be graded, and sidewalks established therein, and such sidewalks shall be ordered to be curbed as is hereinbefore provided, the owners of land abutting on such sidewalks shall pay the cost of the curbstones to be set against their respective lands.

Cost of curbstones to be paid by abutting owners.

SEC. 37. Such costs shall be ascertained by the surveyor of high-

Cost, how to be ascertained and collected.

ways, and be by him submitted to and be approved by the said town council, and then the surveyor of highways shall demand the same of such abutting owner, and if such owner shall neglect or refuse to pay the same, such surveyor of highways shall certify the costs so ascertained and approved, to the assessors of taxes for the said town, and the assessors shall include the said costs of said curbstones, which sum, together with five per centum in addition thereto, shall be included in the next assessment of taxes for such town against such land or the owner thereof.

Proceedings where abutting owners claim to be injured by change of grade.

SEC. 38. Whenever any abutting owner shall deem himself to be injured by any change in the grade of a highway, and such owner shall make claim for compensation for such injury, to the town council, within forty days after such change of grade shall have been completed, the town council shall appoint three suitable and indifferent men, not interested in the lands bordering on the highway, the grade of which has been changed, who shall be sworn to the faithful discharge of their duties, and who shall go upon the highway when the grade thereof has been changed, and examine the same, and the estate alleged to have been injured by changing the grade of said highway, and endeavor to agree with the owner of such estate as to the amount of damage by him sustained by means of such change of grade, and if they agree with the owner, they shall reduce such agreement to writing and report the same to the town council, which report shall be binding upon such owner and upon the town; but if they fail to agree with the owner as to such damage, they shall report such failure to the town council, whereupon the council, after notice to such owner, and offering him an opportunity to be heard, shall proceed to appraise the damage done to such owner, by means of such change of grade.

Appeals from appraisal of damages, when and how taken.

SEC. 39. Every person who shall be aggrieved by any appraisal of damages made by any town council under the provisions of the next preceding section, or who shall be aggrieved by the assessment of any curbstone tax ordered as is hereinbefore provided, may appeal therefrom to the next court of common pleas to be holden within and for the county in which such highway is located, after twenty days from the time of claiming such appeal, by giving bond to the town in the sum of one hundred dollars with surety satisfactory to the town clerk, to prosecute his appeal with effect, or in default thereof to pay all costs which shall accrue to the town.

Proceedings in case of such appeal.

SEC. 40. Every person appealing under the provisions of the next preceding section, shall file in the clerk's office of the court appealed to, a copy of all the proceedings of the tribunal appealed from in the case, when such appeal is taken, together with his reasons of appeal, ten days before the sitting of said court, and if the person appealing from any appraisal of damages made by the town council shall fail to have the damages increased upon such appeal, he shall pay the cost, and shall have judgment for the amount of damages awarded him in the appellate court; but if the said damages be increased in the appeal, then he shall have judgment for the damages and costs awarded him, and execution may issue therefor; and every person appealing from any assessment of taxes for curbstones who shall fail to have such taxes reduced upon appeal, shall be adjudged to pay the costs of suit, and the collector of taxes may proceed to collect such taxes as if such appeal had not been taken; but if, upon trial in the appellate court, the appellant shall succeed in having such tax reduced, he shall recover costs, and the collector of taxes shall collect from him only

so much of said tax as shall have been found upon appeal to be due from the appellant.

SEC. 41. The town in which the change of grade of a street or highway shall be made, shall be liable to any abutting proprietor whose estate therein shall be injured thereby, and the damages therefor, whether agreed upon or appraised by the town council or by the court, shall be paid by the town treasurer of such town, against whom, if he refuse or neglect to pay the same, an action may be had and maintained for such money, by the person to whom the same is due and payable.

Towns liable to abutters for injury caused by change of grade.

SEC. 42. Hope, Prudence, Patience, and Hog Islands, are exempted from the operation of the provisions of this chapter.

Exemption of certain islands.

CHAPTER 61.

OF CERTAIN BRIDGES.

SECTION

1. Penalty for fastening vessel to Weybosset Bridge.
2. Penalty for lading wood, &c., at Apponaug Bridge.
3. Penalty for fastening boat to bridge at Pawtuxet Falls, or throwing stones off said bridge.
4. Persons to take care of said bridge, how appointed.

SECTION

5. Such persons to prosecute for forfeiture.
6. Draw tender of Howland's Ferry Bridge, how appointed.
7. Bridge, how maintained.
8. Kelly's Bridge, and Warren and Barrington Bridge, how maintained.

SECTION 1. Every person who shall fasten any vessel to any part of Weybosset Bridge, shall forfeit twenty dollars for each offence; to be recovered by the city treasurer of Providence to the use of said city.

Penalty for fastening vessel to Weybosset Bridge.

SEC. 2. Every person who shall lay any sloop or other vessel to the bridge over Apponaug River, or there load or unload wood or other heavy merchandise, shall forfeit twenty dollars for each offence; one half thereof to the use of the town of Warwick, and the other half thereof to the use of him who shall sue for the same.

Penalty for lading wood, &c., at Apponaug Bridge.

SEC. 3. Every person who shall make fast any canoe or boat to either of the abutments or any part of the bridge at Pawtuxet Falls, or throw any stones off from said bridge, shall forfeit five dollars; one half thereof to the use of the person who shall sue for the same, and the other half to the use of the towns of Warwick and Cranston.

Penalty for fastening boat to, &c., bridge at Pawtuxet Falls.

SEC. 4. The towns of Warwick and Cranston respectively, shall be empowered to appoint each one suitable person, to take care of said bridge, and to prevent damage or injury being done thereto.

Persons to take charge of bridge, how appointed.

SEC. 5. Each of the said persons so appointed shall have power, and it shall be his special duty, to prosecute for any forfeiture incurred under the preceding two sections.

Powers of, to prosecute, &c.

SEC. 6. The towns of Tiverton and Portsmouth shall continue to provide by their town councils, at the joint expense of said towns, a suitable tender of the draw in Howland's Ferry Bridge, between said towns of Tiverton and Portsmouth, and the said draw tender shall

Draw tender of Howland's Ferry Bridge, how appointed.

open and close the said draw for the passage of vessels, in the manner provided by law.

Bridge, how maintained.

SEC. 7. The towns of Little Compton, Tiverton, Portsmouth, Middletown, and Newport shall continue to maintain and keep the said bridge and draw in repair for the public, as a free bridge, at their joint expense.

Kelly's Bridge, and Warren and Barrington Bridge, how maintained.

SEC. 8. The towns of Bristol, Warren, and Barrington shall continue to maintain and keep in repair, at the joint expense of the said towns, Kelly's Bridge across the Warren River, and the Warren and Barrington Bridge across the Barrington River, and shall provide a suitable man or men to attend to the draws in the said bridges.

CHAPTER 62.

OF TRAVELLING ON HIGHWAYS.

SECTION

1. Travellers with carriages when meeting, to turn to the right of the centre of travelled part of road.
2. Penalty for violating said rule.
3. Duty of driver of loaded team, when met or overtaken.

SECTION

4. Penalty for leaving team at large in highway.
5. Penalties for fast driving in streets or compact parts of towns and villages.
6. Penalty for racing on highways.

Travellers to keep to the right, &c.

SECTION 1. Every person travelling with any carriage or other vehicle who shall meet any other person so travelling on any highway or bridge, shall seasonably drive his carriage or vehicle to the right of the centre of the travelled part of the road, so as to enable such person to pass with his carriage or vehicle without interference or interruption.

Penalty for violating said rule.

SEC. 2. Every person who shall wilfully violate the provisions of the preceding section shall be fined five dollars, and shall be liable for all damages sustained in consequence of any neglect to comply with said provisions.

Duty of driver of loaded team.

SEC. 3. It shall be optional with the driver of any loaded team, when met or overtaken by any empty team or pleasure carriage, either to stop his team until the team or carriage by which he shall be met or overtaken shall have passed, if there be sufficient room, or to give half the way as aforesaid.

Penalty for leaving team at large.

SEC. 4. Every person having charge of any wheel carriage of any kind, or sled or sleigh with any kind of team, who shall negligently or wilfully leave the same to go at large, in any highway, shall be fined five dollars.

Penalties for fast driving.

SEC. 5. Every person who shall ride or drive faster than a common travelling pace, in any of the streets of Newport or Providence, or in the compact part of any towns or villages in the state, or in either road leading from Pawtuxet to the compact part of Providence, shall, unless justifiable cause be made to appear for such riding, be fined not less than five dollars, nor more than twenty dollars, for each offence; one half of said sum to the use of the complainant, and the other half thereof to the use of the town where the offence was committed.

SEC. 6. Every person who shall drive any horse over any of the public highways, for the purpose of racing, or trying the speed of said horse, shall, upon conviction, be fined not less than three nor more than twenty dollars.

Penalty for racing on highways.

CHAPTER 63.

OF GUIDE BOARDS.

SECTION

- 1. Where guide-posts shall be erected.
- 2. Towns to erect and maintain guide-posts, at such places; size of such guide-posts, and inscription thereon.
- 3. Towns may agree upon substitutes for such guide-posts.

SECTION

- 4. Penalty on town for refusing to maintain guide-posts.
- 5. Penalty for neglecting to determine places for guide-posts.
- 6. Penalty for injuring guide-posts.
- 7. Jamestown and New Shoreham exempted from this chapter.

SECTION 1. The several town councils shall, from time to time, determine the corners and angles of all roads within their respective towns at which it shall be necessary to erect and maintain guide-posts, and shall keep a record of their decision among the records of their proceedings.

Where guide-posts shall be erected.

SEC. 2. Such town councils shall cause to be erected and maintained, at the several corners and angles so determined, a substantial post, not less than eight feet high; upon the upper end of which shall be placed a board, upon which shall be plainly and legibly painted the name of the next town, with such other noted town or place as may be judged most expedient for the direction of travellers, to which each of the roads may lead, together with the number of miles to the same; and also the figure of a hand, with the forefinger thereof pointing toward the town or place to which the said road may lead.

Towns to erect and maintain guide-posts; size of, and inscription thereon.

SEC. 3. The inhabitants of any town may agree upon some suitable substitute for said guide-posts, and appoint any proper person to superintend the erection and support of the same.

Substitutes.

SEC. 4. Every town which shall neglect or refuse to keep, at all times, guide-posts erected and maintained, at the places and in the manner above prescribed, shall be fined three dollars for every month it shall so neglect or refuse.

Penalty on town for not maintaining guide-posts.

SEC. 5. Every town council which shall neglect or refuse to determine upon proper places at which guide-posts shall be erected and maintained, shall be fined five dollars for every month they shall so neglect or refuse.

For not determining places for.

SEC. 6. Every person who shall injure, mar, or deface any guide-post, or its substitute, agreed upon as aforesaid, or board which shall be set up, as is herein provided, shall forfeit not exceeding twenty dollars, nor less than five dollars, to the use of the town.

Penalty for injuring.

SEC. 7. The provisions of this chapter shall not apply to the towns of Jamestown and New Shoreham.

Jamestown and New Shoreham exempted, &c.

TITLE XI.

OF THE SETTLEMENT AND SUPPORT OF PAUPERS, AND
THE PREVENTION OF PAUPERISM.

CHAPTER 64. Of the settlement of paupers.

CHAPTER 65. Of the support and discipline of paupers.

CHAPTER 66. Of keeping out and removing paupers.

CHAPTER 67. Of the maintenance of bastard children.

CHAPTER 64.

OF THE SETTLEMENT OF PAUPERS.

SECTION

1. Rules of settlement : —
 - First* Married women.
 - Second.* Legitimate children.
 - Third.* Illegitimate children.
 - Fourth.* Minor apprentices.

SECTION

- Fifth.* Freeholders,
- Sixth.* Owners of real estate.
2. Settlement gained, how long to continue ; — effect of new settlement

Rules of settle-
ment.Married wo-
men.Legitimate
children.Illegitimate
children.Minor appren-
tices.

SECTION 1. A legal settlement in any town shall be gained, so as to oblige such town to relieve and support the person gaining the same in case he becomes poor and stands in need of relief, by any of the ways and means following, and not otherwise : —

First. A married woman shall always follow and have the settlement of her husband, if he has any settlement in this state, or in any of the United States ; but if he has no settlement within this state, or in any other of the United States, the wife shall have and retain her settlement at the time of her marriage, and the husband, in such case, shall follow and have the settlement of his wife.

Second. Legitimate children shall follow and have the settlement of their father, until they arrive at the age of twenty-one years, if the father shall, before that time, have any settlement in this state, or in any other of the United States, and shall retain such settlement until they gain a settlement of their own ; but if the father, before that time, shall not have any settlement in this state, or in any other of the United States, the children shall in like manner follow and have the settlement of the mother.

Third. Illegitimate children born within this state shall follow and have the settlement of their mother at the time of their birth ; but neither legitimate nor illegitimate children shall gain a settlement by birth in the places where they may be born, if neither of their parents shall have a settlement there.

Fourth. Every minor who shall serve an apprenticeship to any lawful trade for the space of three years in any town, and actually set up the same therein within three years after the expiration of the

said term, being then twenty-one years of age, and shall continue to carry on the same for the space of five years, shall thereby gain a settlement in such town; but such person being hired as a journeyman shall not be considered as setting up a trade.

Fifth. Every person of twenty-one years of age, having an estate of inheritance or freehold in the town where he shall dwell and have his home, of the yearly income of twenty dollars, over and above the interest of any mortgage which shall be thereon, and taking the rents and profits thereof for three years successively, whether he live thereupon or not, shall thereby gain a settlement therein.

Freeholders.

Sixth. Every person of twenty-one years of age, having a real estate which shall be of the value of two hundred dollars, over and above any mortgage or encumbrance which may be thereon, and being assessed for the same in the state and town taxes, and actually paying the same for five years successively, in the town where he dwells and has his home, shall thereby gain a settlement therein.

Owners of real estate.

SEC. 2. Every legal settlement, when gained, shall continue until lost or defeated by gaining a new one; and upon gaining such new settlement, all former settlements shall be defeated and lost.

Settlement, how lost, &c.

CHAPTER 65.

OF THE SUPPORT AND DISCIPLINE OF PAUPERS.

SECTION

1. Obligation of towns to relieve poor inhabitants settled in.
2. General duty of overseers of poor.
3. Poor, where to be relieved, supported, and employed.
4. Mode of relief of, in Providence.
5. Obligation of kindred to relieve.
6. Obligation of kindred, how enforced and in what manner.
7. Proceedings on complaints.
8. Extent of assessment.
9. Further assessments, how made.
10. Court may order where pauper shall live.
11. Other kindred may be summoned.
12. Costs, when recovered.
13. Court may make new orders.
14. Power of overseers of poor to bind out children, and what children.
15. Corporal punishment of poor, and confinement of, in dungeons, prohibited.

SECTION

16. Close confinement of, restrained.
17. Use of chains and bonds on poor, prohibited, unless insane.
18. Remedy for poor, in case of town's neglect suitably to provide.
19. Commission, its appointment, power, and duties.
20. Proceedings on report of.
21. Fees of commissioners.
22. Complaint dismissed, when.
23. Penalty for neglect, &c., by town, to comply with order.
24. Paupers dying in towns of which not inhabitants, how to be buried.
25. Power of towns to commit to almshouse paupers not having a legal settlement therein.
26. Power to commit paupers having a legal settlement.
27. Liability of kindred for sums expended in support of paupers.

SECTION 1. Every town shall be holden to relieve and support all poor and indigent persons lawfully settled therein, whenever they shall stand in need thereof, and to afford temporary relief to other poor and indigent persons.

Towns to support poor.

Duty of overseers.

SEC. 2. The overseers of the poor shall have the care and oversight of all such poor and indigent persons settled in their respective towns.

Poor, where to be relieved, &c.

SEC. 3. They shall see that they are suitably relieved, supported, and employed, either in the workhouse, or in other tenements belonging to such towns, or in such other way and manner as the inhabitants of the respective towns at any legal meeting shall direct, or otherwise at the discretion of said overseers. They may also afford temporary relief to other poor and indigent persons, at the cost of the town.

Mode of relief of, in Providence.

SEC. 4. The city council of the city of Providence may prescribe the mode in which, and extent to which, the overseer of the poor of said city shall afford temporary relief to such poor and indigent persons who are not supported and employed in the asylum, or other tenements belonging to, or used by, the city.

Obligation of kindred to relieve.

SEC. 5. The kindred of any such poor person if any he shall have, in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, by consanguinity, living within this state, and of sufficient ability, shall be holden to support such pauper in proportion to such ability.

Obligation of kindred, how enforced, and in what manner.

SEC. 6. The supreme court, at any term thereof, in any county where any such kindred to be charged shall reside, upon complaint made by the overseer of the poor of any town who shall have been at any expense for the relief and support of any such pauper, may on due hearing, either upon the appearance or default of the kindred, they being summoned as hereinafter prescribed, assess and apportion such sum as they shall judge reasonable therefor, upon such of said kindred as they shall judge of sufficient ability, and according thereto, to the time of such assessment with costs, and may enforce payment thereof by warrant of distress.

Proceedings on complaints.

SEC. 7. The overseer of the poor of any town, complaining as aforesaid, may file his complaint in the clerk's office of the court to which such complaint shall be made, and may take out a summons thereon under the seal of said court, signed by the clerk thereof, and directed to some proper officer to serve an original summons; which being served by leaving an attested copy thereof with the party to be summoned, or at his last and usual place of abode, twenty days before the sitting of the court, shall hold him to answer to such complaint.

Extent of assessment.

SEC. 8. Such assessment shall not extend to any expense for any relief afforded more than six months previous to the filing of the complaint.

Further assessments, how made.

SEC. 9. Said court may further assess and apportion upon such kindred such weekly sums for the future, as they shall judge sufficient for the support of such pauper, to be paid quarterly, into the clerk's office of said court, to the use of the overseer, until further order of the court; and upon application, from time to time, of such overseer, the clerk of the court shall issue and may renew a warrant of distress, for the arrears of any preceding quarter.

Court may order with whom pauper shall live.

SEC. 10. Said court may further order with whom of such kindred who may desire it, such pauper shall live and be relieved, and for such time with one and for such time with another, as they shall judge proper, having regard to the comfort of the pauper, as well as to the convenience of the kindred.

Other kindred may be summoned.

SEC. 11. Upon suggestion made, other kindred of ability, not named in the complaint, may be notified, and the process may be continued; and upon due notice, whether they appear or are defaulted,

the court may proceed against them in the same manner as if they had been named in the complaint.

SEC. 12. If such complaint be not entered, or be discontinued or withdrawn, or adjudged groundless, the respondent shall recover costs. Costs, when recovered.

SEC. 13. Upon application of any party interested, said court may, from time to time, vary any order by them made in the premises, or alter any assessment or apportionment by them made as aforesaid, to meet a change of circumstances. Court may make new orders.

SEC. 14. The overseers of the poor of the several towns, with the advice and consent of the town councils thereof, may bind out, as apprentices, to citizens of this state, or to the Providence Children's Friend Society, or to the Home for Friendless Children in Newport, or to the Providence Shelter for Colored Children, in the manner and for the purposes prescribed by law, the following classes of poor children in their respective towns: — Powers of overseers to bind out children, and what children.

First, Any children whose parents are lawfully settled in and have become chargeable to their town;

Second, Any, whose parents so settled shall be found by said overseers to be unable to maintain them, whether they receive alms or are so chargeable or not;

Third, Any, whose parents residing in their town, are supported there at the charge of the state;

Fourth, Any, whose parent or parents, having no legal settlement in this state, are residing in such town, and are adjudged by the town council of such town to be unable to maintain his or her children, and who are unwilling themselves to bind out their children;

Fifth, Any, not having sufficient estate for their maintenance, and no visible means of support, who have no parents living or residing in the town, and who have no legal settlement in this state.

SEC. 15. Corporal punishment, and confinement in dark rooms, or in dungeons, are prohibited at all asylums and houses for the poor. Corporal punishment, &c., prohibited.

SEC. 16. No pauper shall hereafter be closely confined at any such asylum or poor-house for a longer period than five days for any one offence; and in all cases of close confinement, it shall be the duty of the commissioners and officers of the asylums and poor-houses to report the same to the town or city council as often as once in three months, stating the name of the pauper, together with the offence and period of his confinement. Close confinement of paupers restrained.

SEC. 17. The use of chains in the asylums for the poor and poor-houses, or of any other bonds intended to confine the limbs of paupers, is hereby prohibited in this state, except where they may be necessary to effect the removal of insane persons to a curative hospital, or to retain in custody a pauper charged with the commission of crime. Use of chains and bonds, &c., prohibited, unless insane.

SEC. 18. Whenever any pauper shall not be suitably cared for by the town to which he is chargeable, it shall and may be lawful for any person, upon first issuing five days' notice to any of the commissioners or overseers of the poor of the town, of the situation of such pauper, and on continued neglect of the town, to complain in writing to the supreme court in term time, or to any one of the justices thereof in vacation, setting forth, as nearly as may be, the nature of the grievance complained of. Proceedings, if town neglect to provide for paupers.

SEC. 19. Said court or justice shall, upon first giving notice to the town of the pendency of such complaint, in their discretion, appoint a commission of not exceeding three persons, whose duty it shall be Commission, its appointment, powers, and duties.

to visit the pauper or paupers, concerning whom the complaint is made, and upon hearing the allegations and evidence of the parties, to report to said court or justice, as soon as may be, whether or not said complaint is well founded.

Proceedings on report of.

SEC. 20. Whenever it shall be made to appear to the court or justice, by the report of the commissioners, that any pauper in this state is not suitably provided and cared for, said court or justice shall pass an order requiring the appropriate town authorities forthwith to provide suitable accommodations and care for such pauper, either in the poor-house or in some private family, in the discretion of said court or justice, at the expense of the town, and to pay all expenses of the proceeding.

Fees of commissioners.

SEC. 21. Said commissioners shall be allowed the like fees as are allowed to auditors and referees in other cases; to be paid by the town complained of, if the complaint be adjudged proved; and otherwise, upon allowance of probable cause for the same and a certificate thereof and of the amount of said expenses, given by the court or justice, when duly audited, to be paid by the general treasurer.

Complaint dismissed, when.

SEC. 22. If the court or justice decline to allow probable cause, an order shall be made dismissing the complaint, and adjudging the complainant to pay all the expenses of the proceeding.

Penalty for neglect, &c., by town.

SEC. 23. Every town, on complaint of neglecting or refusing, for the space of ten days, to comply with any order made as aforesaid, shall be fined not less than fifty, nor more than three hundred dollars.

Burial of paupers.

SEC. 24. Whenever a pauper shall die in a town of which he is not an inhabitant, the overseers of the poor thereof shall give him a decent burial, the reasonable expense whereof shall be paid by the town to which such pauper belonged.

Committal of to almshouse, by towns.

SEC. 25. Any town may, at its own expense, send any pauper not having a legal settlement therein, but who has become chargeable thereto, to the state almshouse, to be maintained at the expense of the state.

Same subject.

SEC. 26. Any town may, at its own expense, send any pauper having a legal settlement therein to the state almshouse, upon such terms as may be agreed by such town and the board of state charities and corrections.

Kindred, &c., liable for support of.

SEC. 27. All sums paid by the state, or by any town, for the support of any pauper, may be recovered of any of the kindred liable by law to maintain such pauper, or if there be no such kindred, of the place of his legal settlement, if any such within the state shall be ascertained.

CHAPTER 66.

OF KEEPING OUT AND REMOVING PAUPERS.

SECTION

1. Penalty for bringing paupers into town where not settled.
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- 20. Power and duty of officer charged with order of removal.
- 21. Penalty upon officer for neglect to execute order of removal.
- 22. Officer executing order, how paid.
- 23. Of removal of poor Indians of Narragansett tribe.
- 24. Penalty on member of Indian council for refusal to receive Indian.
- 25. Appeal by council of tribe from order of removal.
- 26 and 27. Proceedings in case of return of pauper removed.
- 28, 29, and 30. Of removal of persons of bad fame.
- 31. Penalty on persons harboring persons ordered to depart.
- 32. Liability of town for maintenance of paupers belonging to it, but being elsewhere.

SECTION 1. If any person shall bring into and leave any poor and indigent person in any town, wherein such pauper is not lawfully settled, knowing him to be poor and indigent, unless by an order of removal made by a town council in this state, he shall forfeit one hundred dollars for every such offence; to be sued for and recovered by the town treasurer, to the use of such town, or shall be fined not exceeding twenty dollars.

Penalty for bringing paupers into town where not settled.

SEC. 2. If any master, or other person having charge of any vessel, shall bring into and land, or suffer to be landed in any place within this state, any person before that time convicted in any other state or in any foreign country of any infamous crime, or of any crime for which he has been sentenced to transportation, knowing of such conviction or having reason to suspect it, or any person of a notoriously dissolute, infamous, and abandoned life and character, knowing him to be such, he shall for every such offence be fined four hundred dollars.

Penalty on master of vessel for landing in state foreign convicts and dissolute, &c., persons.

SEC. 3. The master or any other person having the charge of any vessel arriving at any place within this state with passengers on board from any country, out of the United States, shall, and if from any port in any other part of the United States, shall, if required by the superintendent of state charities or town council, within twenty-four hours after the arrival of such vessel, make report in writing under his hand, to the superintendent, or to the overseer of the poor of the town at which such vessel shall arrive, of all such passengers, their names, nation, age, character, and condition, so far as shall have come to his knowledge.

Duty of master, &c., of vessel to report foreign passengers.

SEC. 4. Every such master or other person who neglects or refuses to make such report, or shall knowingly and wilfully make a false one, shall, for each offence, forfeit the sum of one hundred dollars, to be sued for and recovered by the superintendent of state charities and

Penalty upon, for not reporting, or falsely reporting.

corrections, or overseer of the poor of the town, to the use of the state.

Duty of owner, master, &c., to give security for foreign passengers.

SEC. 5. The owner, master, or person having charge of any vessel arriving at any place within this state, with passengers on board, who, to the knowledge of such owner, master, or person having charge of such vessel, shall have within six months previous to such arrival come into the United States, from any foreign country, shall, within thirty-six hours of such arrival, if required by said superintendent or overseer, give to the state a bond with sureties, to the satisfaction of the said superintendent or overseer, with condition that no such passenger shall become chargeable to the state within one year after his arrival.

Penalty upon, for neglect to give security.

SEC. 6. Every owner, master, or person having charge of any such vessel, who shall, when required, neglect or omit to give such bond, shall forfeit five hundred dollars, to be sued for and recovered by the superintendent of state charities and corrections, to the use of the state: *Provided*, that said superintendent may receive for the use of the state in lieu of such bond such sum, being not less than two dollars for each passenger landed, as in the opinion of such superintendent may be sufficient to cover the risk incurred by the state, in allowing such passengers to be landed, and the names of all such passengers shall be certified by said superintendent on the back of the report required to be made by the third section of this chapter.

Duty of railroad and steamboat companies to report passengers.

SEC. 7. The board of state charities and corrections may require any railroad company located wholly or in part within this state, or the owner, master, or person having charge of any steamboat, any of whose passengers shall land within this state, or any agent or person employed by such company, owner, master, or person having such steamboat in charge, to make returns to said board, of the names, sex, ages, and native country of any class of passengers brought into this state upon such railroad or steamboat, notice of which requirement shall be served by any person authorized thereto by said board, by leaving an attested copy of such notice with the treasurer, or any ticket seller or station agent of said railroad company, or with the owner, master, or other person in charge of such steamboat.

Penalty on, for neglect to report.

SEC. 8. Such company, or the owner, master, or person in charge of such steamboat, upon whom notice shall have been served, shall forfeit twenty dollars for each and every day in which he shall neglect to make such return after such notice has been served, to be recovered by said superintendent to the use of the state.

Liability of, for expenses of poor persons brought by them.

SEC. 9. Every railroad company or owner of a steamboat, whose officers or servants shall bring any poor and indigent person into this state, and shall leave such person therein, shall be liable for the relief and support of such person for and during twelve months next after his being brought into the state, to be recovered by an action of the case in the name of said superintendent, to the use of the state; and said company or owner shall, upon the written order of said superintendent, return such person to the place from which such company or owner brought him. Every such company or owner, wilfully refusing or neglecting to comply with such order, shall forfeit five hundred dollars, to be recovered by said superintendent to the use of the state.

Liability of town taking bond.

SEC. 10. If any person for whom bond is given under the fifth and sixth sections of this chapter shall, within one year thereafter, become chargeable to any other town in this state, such person may be removed to the town taking such bond, in the manner, and with the effect, prescribed for the removal of other paupers.

SEC. 11. If any person shall reside in any town in this state, not being legally settled therein, and shall become, or be likely to become, chargeable to such town, it shall be lawful for any one of the overseers of the poor of such town to make complaint thereof to the town council.

Overseer to complain of paupers not settled.

SEC. 12. In case such overseer shall judge it necessary that an order should be made sooner than the town council are likely to meet of course, he shall give a notification to the town sergeant to notify the town council to meet at a time and place therein named, who, upon such notification, are required to meet.

To notify town council, when.

SEC. 13. Upon such complaint, the town council are empowered to inquire, either by the oath of such poor person, or otherwise, in what town he was last legally settled; and upon the best information they can obtain, to adjudge and determine to what town he lawfully belongs within this state, or in which he was last legally settled; which being done, the town council shall make an order under their seal, to be signed by their clerk, for the removal of such person to such town.

Power of town council to make order of removal.

SEC. 14. Such order shall be directed and given to the town sergeant or one of the constables of such town, who shall proceed forthwith to remove such person and such of his family, if any he have, as by law ought to be removed with him, to the town or place to which he is adjudged by such order to belong, and there deliver him to one of the overseers of the poor of such town, and leave an authentic copy of the order with such overseer.

Order, how directed and executed.

SEC. 15. If such overseer shall refuse to accept such poor person, he shall forfeit fifty dollars; to be recovered by an action of debt by the town treasurer of the town from which such poor person was sent, to the use of such town.

Penalty for not receiving pauper, &c.

SEC. 16. If the overseer of the poor of the town to which such poor person shall be removed as aforesaid, shall think his town aggrieved at the determination and order of the town council for the removal of such person, it shall be lawful for him in behalf of his town to appeal to the supreme court, next to be holden after twenty days from the delivery to him of such poor person and the leaving with him an attested copy of such order, in the county in which the town from which such poor person was removed is situated.

Appeal from order of removal.

SEC. 17. The party appealing shall file reasons of appeal, and bond with surety, in like manner, and citation shall be issued and served upon the overseer of the poor of the town adversely interested, and like proceedings shall be had, as near as may be, as are provided in case of appeals from courts of probate, unless herein otherwise provided.

Mode of proceedings.

SEC. 18. If said order shall be confirmed, the town which appealed shall pay the costs, in which shall be included the charges of removing such poor person.

Effect of confirmation of order.

SEC. 19. If said order shall be reversed, the town from which such poor person was removed shall pay the costs, and also the charges that the town to which he was removed shall have incurred for his support, between the time of the removal and the determination of the appeal; and such poor person shall be returned to said town at the proper cost and charge thereof, which shall be collected by an execution against the town treasurer of such town.

Effect of reversal of order.

SEC. 20. The town sergeant or constable, who shall be charged with an order for the removal of any poor person as aforesaid, shall have power to go into any town to enforce such order; and shall

Power and duty of officer charged with order of removal.

- make return upon said order to the town council who granted the same, at their next meeting, which return shall be lodged in the clerk's office; and he shall give copies thereof to any person who shall desire them, and shall take the same fees therefor as in other cases.
- SEC. 21.** Every town sergeant or constable, who shall refuse or neglect to enforce such order when delivered to him, shall, for every such refusal or neglect, forfeit twenty dollars; to be recovered by the town treasurer, to the use of said town.
- SEC. 22.** Every town sergeant or constable, who shall remove any poor person, as by this chapter directed, shall be allowed and paid, at the discretion of the town council, for his trouble, out of the treasury of the town from which such poor person shall be removed.
- SEC. 23.** If any Indian of the Narragansett tribe shall reside in any town in this state, and shall become, or be likely to become, chargeable to such town, it shall be lawful for any overseer of the poor and the town council of such town, to cause such Indian to be removed to the said tribe in the manner above provided for the removal of paupers, and there deliver him to a member of the council of said tribe, and leave an authentic copy of the order of removal with such member.
- SEC. 24.** If such member of said council shall refuse to receive such Indian, he shall forfeit twenty dollars, to be recovered by the town treasurer to the use of said town.
- SEC. 25.** The council of said tribe may appeal from such order of removal, in like manner and with like effect, and upon such appeal like proceedings shall be had, as in appeals from orders of town councils removing paupers.
- SEC. 26.** If any person who has been or may hereafter be removed by an order of removal from any town in this state to any other town therein, shall voluntarily return to the town from which he was so removed, without leave first obtained of the town council of such town for so doing, and the town council of such town shall subsequently cause such person to be again removed to the same town, the town to which such person shall have been so subsequently removed shall pay to the town so removing such pauper, the costs of every such subsequent removal, not exceeding twenty cents per mile; to be recovered in an action of the case, in the name of the town treasurer of the town from which such person shall have been removed.
- SEC. 27.** Eight days' notice of the intention of such second removal shall be previously given through the post-office, by the overseer of the town where such pauper may be, to the overseer of the poor of the town in which such person shall be legally settled, for the purpose of giving such town an opportunity to remove such person in its own manner at its own proper expense.
- SEC. 28.** The town council of a town shall, upon the complaint of any overseer of the poor of the town, have discretionary power to remove as aforesaid, all persons not settled in the town who are of bad fame and reputation, though such persons shall not at the time of such removal have become, or shall not then be likely to become, chargeable to such town.
- SEC. 29.** Before making an order of removal, or an order to depart, such as is provided for in the last section, the town council shall cause the person against whom such order is to be made, to have notice that the overseer of the poor of the town has made such complaint against him, with intent to obtain such order.
- SEC. 30.** The notice shall be served by the town sergeant, or any

Penalty for neglect, &c., to execute.

Officer executing order, how paid.

Of removal of poor Indians of Narragansett tribe.

Penalty for refusal, &c., to receive.

Appeal by council from order.

Proceedings in case of return of pauper removed.

Same subject.

Of removal of persons of bad fame.

Same subject.

Same subject.

constable of such town, by reading the same in the presence and hearing of such person, or by leaving a true and attested copy thereof at his usual place of abode; and the person complained of shall have a right to be heard, and to have his allegations and his testimony weighed by the town council, before any order be made against him.

SEC. 31. If any person, in any town in this state, shall wilfully suffer or permit any person who has been removed, or ordered to depart as hereinbefore provided, from such town by the town council thereof, to occupy or reside in his house or possessions, after notice of such removal or order of departure given by the town sergeant or any one of the constables of the town, by order of the town council thereof, such person shall forfeit fifty dollars, to be sued for and recovered by the town treasurer, to the use of the town.

Penalty for harboring persons ordered to depart.

SEC. 32. Whenever the overseer of the poor of any town in which a pauper belonging to another town shall become chargeable, shall give notice of his condition to the overseer of the town to which the pauper belongs, and no provision shall be made for his removal, or maintenance, within three days after receiving said notice, then such town shall pay all reasonable charges for the maintenance and support of such pauper.

Liability of town for its absent paupers.

CHAPTER 67.

OF THE MAINTENANCE OF BASTARD CHILDREN.

SECTION

1. Of complaint by pregnant women against alleged father of child.
2. Of recognizance of person charged.
3. Of trial by court of common pleas, and issue before.
4. Order, if judgment be chargeable.
5. Of proceedings by overseer of the poor, if woman abandon her complaint.
6. Proceedings if mother of bastard child neglects, &c., to make or prosecute complaint, or makes false complaint.
7. Complaint under last preceding

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- section, how made, prosecuted, &c.
8. Costs to be recovered of town, if party prove not chargeable.
9. Of discharge of poor persons, committed by virtue of this chapter.
10. Of apprehension of persons charged on warrants, in another county.
11. Of proceedings in case of such apprehension.
12. Superintendent of state charities may make complaints, &c., when.
13. Proceedings under such complaints.

SECTION 1. If any woman is pregnant with a child, which, if born alive, may be a bastard, she may make complaint, in writing, under oath, to the trial justice or clerk of the justice court within the town in which she may reside, against any man, charging him with having begotten such child, and such trial justice or clerk may thereupon issue a warrant commanding the person so charged to be brought before such court in the same town, or in the town in which the person so charged may reside, provided he resides in the same county.

Of complaint by pregnant woman against alleged father of child.

SEC. 2. The court before whom such person shall be brought may order such person to recognize in a reasonable sum, with sufficient

Of recognizance of person charged.

sureties to the satisfaction of the court, to appear at the term of the court of common pleas next to be holden within and for the county in which the offence is charged to have been committed, to answer to such complaint, and to abide the order of said court thereon, and in default thereof may commit him until such order is performed.

Of trial by court of common pleas, and issue before.

SEC. 3. Such court shall make a certified copy of each paper in the case, and deliver the same to the complainant, or return the same to the court on or before the first day of the term aforesaid, and said complaint shall be entered at such term and tried by the court, unless either party requests a jury, in which case it shall be tried by a jury, and the issue shall be chargeable or not chargeable.

Order, if judgment be chargeable.

SEC. 4. If any man is found chargeable, the court shall order him to pay such sum as they deem reasonable to the mother of the child, or to the town treasurer of the town liable by law for the maintenance of the child, to be applied for such maintenance, and also to pay costs of prosecution; and may order him, or the mother, or both, to give security to save such town harmless from all charge for the maintenance of the child. Any person who shall neglect or refuse to obey any such order may be committed until the same is obeyed.

Proceedings if woman abandon her complaint.

SEC. 5. If any woman, after having made her complaint, shall abandon the same, the town liable, upon application to the court in writing, made by their overseer of the poor, shall be admitted to prosecute said complaint, a record whereof shall be made, and all subsequent proceedings shall be the same as if said complaint had been instituted originally by such town.

Proceedings, if mother neglect, &c., to make or prosecute complaint, or make false complaint.

SEC. 6. If the mother of a bastard child neglects or refuses to make complaint, or having made complaint, neglects to prosecute the same in court, or shall, in the opinion of the town council of any town liable, make a false complaint, any trial justice or clerk of a justice court, to whom complaint may be made by said overseer of the poor at any time before the expiration of one year from the birth of the child, against any man, charging him with having begotten such bastard, may issue a warrant, directing such person to be brought before some justice court in the county in which the offence was committed, or in which the offender may reside.

Complaint under last section, how made, prosecuted, &c.

SEC. 7. Such complaint shall be in the name of the town, and the proceedings thereon shall be the same in all respects as if the mother had complained. If found chargeable, the father shall be ordered to give security to save the town harmless for the maintenance of such child, pay all costs of prosecution, and stand committed until said order shall be performed.

Costs, when recoverable.

SEC. 8. Whenever any town is a party to such prosecution, and the party accused shall be found not chargeable, he shall recover his costs against the town.

Of discharge of poor persons committed, &c.

SEC. 9. If any person committed to prison by virtue of this chapter is poor, and unable to pay such sum, or to procure such security as may be ordered, said court, on application for that purpose, may discharge such person from imprisonment, at such time and upon such terms, as they think expedient.

Of apprehension of persons charged, &c., in other counties.

SEC. 10. Whenever a warrant shall be issued by any trial justice or clerk of a justice court, and the person charged therein shall, either before or after the issuing thereof, escape or go out of the county; the sheriff thereof, or his deputies, or any constable of the town to whom such warrant shall be directed, may pursue such person, and apprehend him in any county, and carry him before any trial justice in the county in which he was apprehended, for examination.

SEC. 11. If it appear to said justice that said warrant was duly issued, and that such person did escape or go out of such other county, as aforesaid, he shall, thereupon, issue his warrant, directed to such sheriff, deputy, or constable, commanding him to carry such person before some justice court in the county from which he had so escaped or gone out, for trial, that such further proceedings may be had thereon as the law requires.

Proceedings in case of such apprehension.

SEC. 12. In case any unmarried woman, having no legal settlement in this state, is found to be with child, or shall be delivered of a child in this state, the superintendent of state charities and corrections is hereby vested with all the powers, and required to perform the same duties as are herein conferred and imposed upon overseers of the poor, in relation to bastard children.

Sup't of state charities, may make complaints, &c., when.

SEC. 13. Complaints in such case may be made by the superintendent of state charities and corrections, before any trial justice in the county in which such unmarried woman shall be found, and like proceedings shall be had upon such complaint, as are herein required in case of complaint made by overseers of the poor, under the provisions of this chapter.

Proceedings under such complaints.

TITLE XII.

OF THE INSANE.

CHAPTER 68. Of the restraint and cure of the insane.

CHAPTER 69. Public provisions for the indigent insane.

CHAPTER 68.

OF THE RESTRAINT AND CURE OF THE INSANE.

SECTION

1. Complaint and warrant against person furiously mad and at large, how made and directed.
2. Of examination and proceedings by court on return of warrant, and mad person where committed.
3. Form of warrant of commitment, and duty of officer thereon.
4. Costs of proceedings and detention, how paid.
5. Costs and expenses, how recovered of person or town liable.
6. Of petition for commission of lunacy to confine lunatic for cure, &c., and appointment of commissioners.

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7. Of powers and duties of commissioners and proceedings before.
8. Of power of judge to restrain lunatic pending commission.
9. Of power of judge upon report of commissioners.
10. Person committed to hospital or state asylum by judicial order, though not cured, how discharged.
11. Lunatics committed to institution for insane by parents, friends, &c.
12. Power of superintendent, &c., of such institution to receive and detain lunatics.
13. Lunatics committed by friends,

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- &c., responsible for expenses, how discharged.
- 14. Power of superintendent of such institution to discharge lunatics on application of relatives or friends.
- 15, 16, 17, and 18. Of petitions for commissions to inquire into sanity of persons confined as lunatics, and proceedings on same.
- 19. Right to *habeas corpus* saved.
- 20 and 21. Of expenses of commissions and compensation of commissioners.
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- because insane, when to be committed to institution for insane.
- 23. Expenses of supporting such persons, how collected of their estates.
- 24, 25, 26. Of petitions for examination of persons imprisoned for crime and deemed insane, and proceedings on same.
- 27. Person restored to reason may be remanded.
- 28. Of expenses of examination.
- 29 and 30. Of the removal to the state asylum of insane and idiotic persons improperly confined.

Complaint against person furiously mad and at large, how made and directed.

SECTION 1. Whenever complaint in writing, and under oath, shall be made to any trial justice or clerk of a justice court, that any person within the county is a lunatic, or so furiously mad as to render it dangerous to the peace or safety of the good people of the state for him to be at large, and that such person is at large, such trial justice or clerk shall issue his warrant under his hand and seal, returnable forthwith, directed to the sheriff, deputy sheriffs, town sergeants, or constables in said county, requiring the officer charged therewith to apprehend such person, and have him, with such warrant, before such, or some other justice court, for examination relative to such complaint.

Of examination and proceedings on return of warrant, and commitment of mad person.

SEC. 2. If the court, on such examination, shall adjudge such complaint to be true, it shall, unless a recognizance satisfactory to said court be then given before it that said person shall not be permitted to go at large until restored, by warrant under its hand and seal, commit such person to the Butler Hospital for the insane, or to the state asylum for the insane, there to be detained until, in the judgment of some justice court of the county in which he may be detained, he shall, upon inspection and examination, be declared to be restored to soundness of mind, or to be no longer under the necessity of restraint, or until recognizance as aforesaid, satisfactory to such court, shall be given.

Form of warrants of commitment; duty of officer.

SEC. 3. The court shall, in its warrant of commitment, state the town in which such lunatic or mad person was arrested; and the officer charged with the execution thereof shall have the same power to commit such person to the Butler Hospital for the insane as though said hospital were within his precinct.

Costs of proceedings and detention, how paid.

SEC. 4. The costs of apprehending, examining, committing, and detaining such lunatic or mad person, shall be paid by such person if he have any estate; otherwise, in the first instance, and until the liability of some other town in the state for the maintenance of such person is admitted by such town, or ascertained by proper proceedings, by the town in which such person shall have been apprehended.

How recovered of person or town liable.

SEC. 5. Whenever any person or town chargeable with the costs and expense of apprehending, committing, and detaining or keeping any such lunatic or mad person, shall neglect to pay the same or either or any part thereof, it shall be the duty of the committing court, and the right of the superintendent of said hospital, or of the superintendent of the state farm, if he be committed thereto, to give notice of such neglect to the attorney-general, who shall, in the name and at the expense of the state, commence an action of the case in behalf and for

the benefit of all persons interested, against the person or town so neglecting, for the recovery of such costs and expenses, or either of the same, and prosecute the same to final judgment and execution.

SEC. 6. On petition under oath, setting forth that any person is insane, and that the welfare of such person, or of others, requires him to be placed in a hospital for the insane, or to be restrained, any judge of the supreme court may forthwith appoint not less than three commissioners, to inquire into the condition of the subject of such petition, and to report all facts connected with or bearing upon the same, together with their opinion whether such person, if insane, should be placed in such hospital or the state asylum for the insane, either for cure or restraint.

Of petition for commission of lunacy.

SEC. 7. Before said commissioners shall proceed with their inquisition, they shall be sworn by the judge to the faithful and impartial execution of their duties, and shall give due notice to the party or person complained of as insane, of their appointment, and of the time and place of hearing, in order that he may have an opportunity by evidence, by his own statements, and by counsel, to defend himself against the charge of said petition; and said commissioners shall have power to issue summons to, and compel the attendance of, and to swear witnesses; and it shall be their duty to hear all evidence offered to them on either side touching the merits of the petition, as well as examine the subject of the petition himself.

Of powers and duties of commissioners, and proceedings before.

SEC. 8. Such judge is authorized, if need be, upon the presentation to him of such petition, or afterwards, as occasion may require, to issue a warrant, under his hand and seal, for the apprehension of the person complained of, and to order him to be detained in the custody of the officer to whom the warrant shall be directed, or to be committed to the Butler Hospital for the insane, or the state asylum for the insane, if he can be there received, or to the county jail, as will be most convenient and proper, pending the inquisition; in order to insure that such person shall be present to be examined by the commissioners, and to abide the final order of such judge upon said inquisition.

Of restraint of lunatic, pending commission.

SEC. 9. Upon the coming in of the report of said commissioners, such judge shall have power, with or without further hearing, to confirm or to disallow the same, and to order the person complained of to be confined in the Butler Hospital for the insane, or at the state asylum for the insane, if he can be there received, or in some other curative hospital for the insane of good repute, within or without the state, or to dismiss the petition altogether.

Of power of judge upon report of commissioners.

SEC. 10. Any person committed to such institutions, under the provisions of the four preceding sections of this chapter, may, though not restored to sanity, be discharged therefrom, upon the written recommendation of the trustees and superintendent thereof, by an order of either of the judges of the supreme court, to be made in the discretion of such judges.

Persons committed, when may be discharged though not cured.

SEC. 11. Insane persons may be removed to, and placed in said Butler Hospital or state asylum for the insane, if they can be there received, and if not, in any other curative hospital for the insane, of good repute, in this state, managed under the supervision of a board of officers appointed under the authorities of this or some other state, within or without the state, by their parents or parent, or guardians, if any they have, and if not, by their relatives and friends, and if paupers, by the overseers of the poor of the towns to which they are chargeable; but the superintendent of said hospital shall not receive any person into his custody, in such case, without a certificate from

Of committal of lunatics, by parents, friends, &c.

two practising physicians of good standing, known to him as such, that such person is insane.

Power of superintendent to receive and detain lunatics.

SEC. 12. Any person committed to the charge of any of said institutions for the insane, as aforesaid, in either of the modes hereinbefore prescribed, may be lawfully received and detained in said institution by the superintendent thereof, and by his keepers and servants, until discharged in one of the modes herein provided; and neither the superintendent of such institution, his keepers or servants, nor the trustees or agents of the same, shall be liable, civilly or criminally, for receiving or detaining any person so committed or detained.

Who may remove lunatics

SEC. 13. The person or persons removing an insane person to, and placing him in, such institution within this state, and also the person or persons who, by their own free act and accord, and without any obligation imposed by law, have become responsible for the payment of the expenses of any such person at such institution, if necessary to terminate further responsibility, but none other, shall have the power of removing such person therefrom, except as hereinafter provided.

Superintendent may discharge, when.

SEC. 14. The superintendent of such institution for the insane within this state may, on the application of any relative or friend, and with the approbation, in writing, of the visiting committee of the trustees, discharge any patient from such institution not committed by process of law.

Of petitions for commissions to inquire into sanity of persons confined as lunatics, and proceedings on same.

SEC. 15. On petition, under oath, of any person not confined in such institution for the insane, to a judge of the supreme court, setting forth that he has reason to believe and does believe that some person confined therein is not insane, and is unjustly deprived of his liberty, the said judge may, in his discretion, issue a like commission, as hereinbefore provided, for the purpose of inquiring into the condition of such person.

Same subject.

SEC. 16. In such case no notice shall be served upon the person confined as insane, nor shall he have the right to confer with counsel, to produce evidence, or be present at the inquisition; but such notice shall be served upon, and such rights shall be enjoyed solely by, the petitioner; nor shall said petitioner, nor any counsel he may employ, nor any witness he may desire to use, have the right to visit or examine said insane person except with the permission of the superintendent of such institution, or according to its rules, or by special order of the judge issuing the commission.

Same subject.

SEC. 17. The personal examination by the commissioners of such person detained as insane, shall take place at the institution where such person is detained, and not elsewhere; and in case the commissioners deem it proper, it shall take place without the presence of the superintendent, or any other person connected with such institution; nor shall such person so detained as insane be taken from the institution upon any pretence, or for any purpose whatever, pending such commission.

Same subject.

SEC. 18. In other respects said commissioners shall, with like powers, proceed and report to the judge in like manner as before provided, who, upon the coming in of said report, may either confirm or disallow the same, and order the discharge of such person, or dismiss the petition altogether, as the truth shall seem to him to require.

Habeas corpus secured.

SEC. 19. Nothing in this chapter shall be construed to impair or abridge the right of any person to the writ of *habeas corpus*.

SEC. 20. No commission shall be issued by a judge of the supreme court, either for the purpose of confining or discharging from confinement an insane person, as contemplated by the sixth and fifteenth sections of this chapter, until the applicant therefor shall pay, or satisfactorily secure, to said judge, all costs and expenses of the application, process, commission, and commitment, as well as satisfy him, if the application be for the confinement of any insane person, that the expenses of detaining such person in said institution for the insane will be paid or secured to the satisfaction of the proper authorities thereof.

Of expenses of commissions.

SEC. 21. The commissioners shall be allowed a reasonable compensation in addition to necessary expenses, to be allowed by the judge; and they shall return in items their charges for compensation, and all costs and expenses of executing the commission, with their report, for allowance by the judge.

Compensation of commissioners.

SEC. 22. Whenever, upon the trial of any person upon an indictment, the accused shall set up in defence thereto his insanity, the jury, if they acquit such person upon such ground, shall state that they have so acquitted him; and if the going at large of the person so acquitted shall be deemed by the court dangerous to the public peace, the court shall certify its opinion to that effect to the governor, who, upon the receipt of such certificate, may make provision for the maintenance and support of the person so acquitted, and cause such person to be removed to the state asylum for the insane, or other institution for the insane, either within or without this state, during the continuance of such insanity, and shall draw his orders on the general treasurer, from time to time, to defray the expenses thereof.

Disposition of persons acquitted on indictments because insane.

SEC. 23. The estate of any insane person removed to any institution for the insane, pursuant to the preceding section, shall be liable for the expenses of his support and maintenance therein; and the general treasurer, in behalf of the state, may, from time to time, commence and prosecute to final judgment and execution, any proper action, suit, or proceeding at law or in equity, against the estate of any such person, for the collection of the same.

Expenses of support of, how collected.

SEC. 24. On petition of the majority of the board of inspectors of the state prison and Providence county jail, or of the clerks of the supreme court or court of common pleas in the other counties in the state, setting forth that any person convicted of crime and imprisoned for the same, is insane, any judge of the supreme court shall have power to make such an examination of said person as in his discretion he shall deem proper.

Of petition for examination of persons imprisoned for crime and deemed insane, and proceedings on same.

SEC. 25. If, upon such examination, said judge is satisfied that the person thus imprisoned is insane, or idiotic, he shall have the power to order the removal of such prisoner from the state prison or jail aforesaid; to be detained in the state asylum for the insane, if he can be there received, or if not, in the Butler Hospital.

Same subject.

SEC. 26. Such order of removal shall be for and during the term of said prisoner's sentence, and be directed to the sheriff of the county in which such prisoner stands committed.

Same subject.

SEC. 27. Any person removed as aforesaid, upon restoration to reason, may, by an order of either of the judges of the supreme court, in his discretion, be remanded to the place of his original confinement, to serve out the remainder of his term of sentence.

Persons restored to reason may be remanded.

SEC. 28. All the necessary expenses of the examination aforesaid shall be paid by the general treasurer, upon the recommendation of the judge who shall make such examination.

Of expenses of examination.

Of the removal to the state asylum of insane and idiotic persons improperly confined, &c.

SEC. 29. On complaint in writing of the superintendent of the state charities, to the supreme court, if in session, if not, to any justice of said court, that he is informed and believes that any person reputed to be idiotic, lunatic, or insane, to be named or otherwise described in such complaint, is improperly confined or restrained of his liberty in any town, and not humanely cared for, it shall be the duty of such court, or justice, as the case may be, forthwith to examine into the circumstances alleged in such complaint, and if the same be found to be true, such court or justice shall order and cause such idiotic, lunatic, or insane person, to be removed to the state asylum for the insane, and shall thereupon issue a warrant or order, to be directed to the sheriffs or their deputies of the several counties, for the removal of such person accordingly.

Same subject.

SEC. 30. The estate of such idiotic, lunatic, or insane person, if he have sufficient estate therefor, and if he have not, then the person or persons liable for the maintenance of such person, if any there be, shall be liable for the costs of such examination and removal of such person to the state asylum for the insane, and for the expense of his maintenance therein; but if such person have no such estate, and there be no person or persons liable for his maintenance, such costs shall be paid, and such expense of maintenance of such person shall be borne, by the town in which he has a settlement.

CHAPTER 69.

PUBLIC PROVISION FOR THE INDIGENT INSANE.

SECTION

- 1. Of committal to state almshouse of incurably insane lunatics, being paupers, and having no legal settlement in this state.
- 2. Of reception therein of incurably insane paupers having a legal settlement.
- 3. Of the committal to other institutions of insane paupers who cannot be there received.
- 4. Governor authorized to draw or-

SECTION

- ders for amount due under preceding section.
- 5. Appropriation for insane state beneficiaries, how drawn, and to be applied.
- 6. Detention of insane paupers in town asylum more than five days, prohibited; town council to remove them to state asylum within such five days.
- 7. Penalty on town council, for neglect to cause such removal.

Of committal of incurably insane pauper lunatics to state almshouse.

SECTION 1. Every lunatic, having no legal settlement in this state, who is supported as a pauper by the state, or by any town in the state, and who, in the opinion of the board of state charities and corrections, is incurably insane, shall be sent by said board to the state almshouse and asylum for the incurable insane, there to be maintained at the expense of the state.

Same subject.

SEC. 2. The said board may receive into said asylum from any town, any person having a legal settlement in such town, who in the opinion of said board is incurably insane, upon such terms as may be agreed on by such town and said board.

Of committal elsewhere of insane paupers

SEC. 3. Whenever it shall appear, by the certificate of the secretary of said board, that any insane pauper chargeable to any town in

the state cannot be received at said asylum, the overseer of the poor of such town may, with the written consent of the governor, place such pauper at the Butler Hospital for the insane, or, in case such person cannot be received in said hospital, then at some public curative hospital for the insane of good repute, within or without the state; and the sum of thirty dollars per quarter of a year is appropriated out of the state treasury, towards the support of every insane pauper so placed at said Butler Hospital, or at such other curative hospital.

who cannot be there received.

SEC. 4. The governor may draw quarterly his order on the general treasurer, for such sum as he may ascertain to be due to the Butler Hospital, or other curative hospital for the insane, in accordance with the preceding section.

Orders, governor may draw, &c.

SEC. 5. He may draw upon the general treasurer annually, for a sum not exceeding two thousand dollars in any one year, to be by him appropriated to the maintenance in whole or part of such indigent insane persons, being inhabitants of this state, as he may select as state beneficiaries, not more than one hundred dollars to be by him appropriated annually, for the support of any one person.

Appropriation for insane state beneficiaries, how drawn and applied.

SEC. 6. No insane pauper shall hereafter be detained in any town asylum, poor-house, lock-up, or bridewell, for a longer period than five days, unless, in the opinion of the superintendent of state charities, he is properly cared for, and the town council of any town shall cause all insane paupers so detained in a town asylum, poor-house, lock-up, or bridewell, in such town, to be removed within five days from the date of their commitment, to the state asylum for the incurable insane, or to some other public asylum for the cure of the insane.

Detention of insane paupers in town asylums, &c., restricted.

SEC. 7. In case any town council shall neglect or refuse to cause such insane paupers to be removed within said five days, the superintendent of state charities and corrections shall cause them to be removed to the state asylum, and the expense of such removal may be recovered from the town so neglecting or refusing, by said superintendent, in an action of the case, for the use of the state.

Penalty on town council not removing, &c., such paupers.

TITLE XIII.

OF THE TOURO FUND, AND CERTAIN STATE CHARITIES.

CHAPTER 70. Of the Touro fund.

CHAPTER 71. Appropriations for the education of indigent blind, deaf and dumb, idiot and imbecile persons.

CHAPTER 70.

OF THE TOURO FUND.

SECTION

1. Clause of Abraham Touro's will recited, and act of assembly ac-

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cepting trust, and ordering investment of fund.

SECTION

2. City council of Newport to appropriate fund to its use, and to account to general assembly.
3. Duty of city council of Newport

SECTION

- to recommend disposition of profits of fund.
4. City council of Newport to draw for interest of fund, and expend same, and report to the general assembly.

Clause of Abraham Touro's will recited, and act of assembly accepting trust, and ordering investment of fund.

SECTION 1. The following act as passed by the general assembly in June, 1823, and amended in June, 1827, and June, 1834, and now amended, shall continue in force :—

Whereas, it has been made to appear to this general assembly, upon the representation of Titus Weeks, Esq., executor of the last will and testament of Abraham Touro, Esq., of the city of Boston, in the state of Massachusetts, that the said Abraham by his last will bequeathed a legacy in the following words, viz.: "Item.— I give ten thousand dollars to the legislature of the state of Rhode Island for the purpose of supporting the Jewish synagogue in that state; in special trust to be appropriated to that object in such manner as the said legislature, together with the municipal authority of the town of Newport, may from time to time direct and appoint:" Therefore,

SECTION 1. *Be it enacted by the general assembly, and by the authority thereof it is enacted,* That said legacy and trust be and hereby are accepted by the general assembly; and the general treasurer is authorized and directed to apply for and receive from said executor the said legacy or donation of ten thousand dollars, to give all proper receipts and acquittances therefor upon receipt thereof, and as soon as possible to vest the same entire in the stock of some substantial bank or banks, or in some of the United States stocks; and the certificates or evidences of such stock shall be carefully kept by said general treasurer in his office; and it shall be the duty of said general treasurer once in every year to report to the general assembly the state of said fund.

City council of Newport to appropriate fund to its use, and to account to general assembly.

SEC. 2. *And be it further enacted,* That the city council of Newport may, and it shall be their duty to cause all repairs to be made upon said synagogue buildings and premises, and upon the wall inclosing the Jewish burying-ground in Newport, appurtenant to said synagogue, which in their opinion may be necessary and proper; and whenever there shall be no person of the Jewish persuasion residing in Newport, and qualified and authorized to have the care and superintendence of said synagogue, said council shall appoint some suitable person or persons for that purpose, with such compensation as said council, with the approbation of the general assembly, shall think reasonable: *Provided,* that all accounts and charges for expenditures of every kind out of said fund shall be presented to the general assembly, and if approved of by them, shall be paid by the general treasurer upon their order out of the interest or profits accruing on said fund; *Provided, also,* that nothing in this act shall be construed to authorize said city council or any other person whatever in any manner to interfere with, or restrain the full and free exercise of the Jewish religion in said synagogue, or by any individual of that faith residing in Newport, or to interrupt the possession, control, and management with which the proprietors of said synagogue and premises, or any other persons according to the laws and customs of the Jews, may be invested.

SEC. 3. *And be it further enacted,* That it shall be the duty of

said city council, from time to time, as occasion shall present, to recommend to the general assembly such disposition of the profits of said fund; and such measures and provisions as in their opinion shall be best calculated to promote and fulfil the object and intention of the donor, the said Touro, as expressed in his said will, in supporting and advancing said Jewish institution.

City council of Newport to recommend disposition of profits of fund.

SEC. 4. *And be it further enacted,* That the city council of Newport be and they are hereby authorized, from time to time, as occasion may require, to draw on the general treasurer for the interest of the Touro Jewish synagogue fund, or so much thereof as may be necessary to keep said synagogue and premises in complete repair; and that said council make report of their expenditures to the general assembly, annually, at the May session thereof.

City council of Newport to draw for and expend interest of fund, and report to general assembly.

CHAPTER 71.

APPROPRIATIONS FOR THE EDUCATION OF INDIGENT BLIND, DEAF AND DUMB, IDIOT AND IMBECILE PERSONS.

SECTION

1. Amount annually appropriated by state for education of blind, deaf and dumb, idiots and imbeciles, and where to be expended.

SECTION

2 and 3. Governor how to select state beneficiaries, and to draw and apply appropriation.
4. Governor may draw money for clothes of beneficiaries.

SECTION 1. The sum of three thousand dollars is hereby annually appropriated out of the general treasury, for the education of the indigent blind of this state, at the Perkins Institution for the blind at South Boston, Massachusetts; for the education of indigent deaf mutes of this state at the American Asylum at Hartford, Connecticut; and for the education of such indigent idiot and imbecile persons of this state, at institutions now established, or that may be established within or without the state, for the education and improvement of such idiot and imbecile persons.

Annual appropriation by state for education of blind, deaf and dumb, idiots and imbeciles, amount of, and where to be expended.

SEC. 2. The governor may select such indigent persons, being inhabitants of the state, as he shall deem proper as state beneficiaries, and may determine the amount of said appropriation to be applied to the education of each; so that no one person shall receive any portion thereof for more than five years, nor shall any state beneficiary at said American Asylum receive more than one hundred and seventy-five dollars; at the Perkins Institution for the blind more than three hundred dollars; and at any other institution more than one hundred dollars, in any one year.

Governor, how to select state beneficiaries.

SEC. 3. The governor may draw upon the general treasurer, from time to time, for the purposes aforesaid, his drafts therefor, in any one year not to exceed, in the whole, the amount above appropriated in the first section of this chapter.

May draw appropriation.

SEC. 4. The governor may draw upon the general treasurer, for whatever sum of money he may deem sufficient, not exceeding the sum of twenty dollars yearly, in any one case, for the purpose of furnishing the necessary clothes to any one of said beneficiaries.

May draw money for clothes of beneficiaries.

TITLE XIV.

OF INTERNAL POLICE.

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- CHAPTER 72. Of nuisances.
 CHAPTER 73. Of the suppression of certain nuisances.
 CHAPTER 74. Of regulations for the prevention of infectious and contagious diseases.
 CHAPTER 75. Of quarantine.
 CHAPTER 76. Of contagious disease among cattle.
 CHAPTER 77. Of the registration of births, deaths, and marriages.
 CHAPTER 78. Of licensed houses.
 CHAPTER 79. Of the suppression of intemperance.
 CHAPTER 80. Of shows and exhibitions.
 CHAPTER 81. Of bowling alleys, billiard tables, and shooting galleries.
 CHAPTER 82. Of firearms and fireworks.
 CHAPTER 83. Of dogs.
 CHAPTER 84. Of birds.
 CHAPTER 85. Of ferrets and weasels and hares.
 CHAPTER 86. Of cruelty to animals.
 CHAPTER 87. Of stakes and buoys.
 CHAPTER 88. Of pilots and pilotage, &c.
 CHAPTER 89. Of the protection of navigation in the Pawtucket River.
 CHAPTER 90. Of wrecks and shipwrecked goods cast upon Block Island.
 CHAPTER 91. Of sea-weed.

CHAPTER 72.

OF NUISANCES.

SECTION

1. Town councils to provide for the removal of nuisances, and causes injurious to health.
2. Orders of town councils to be executed by sheriffs, and other officers.
3. Town councils may designate places for slaughtering animals.
4. Town councils, after notice, may withdraw the right to use such places.
5. Penalty for slaughtering in such places after notice.
6. Towns liable for damages consequent upon the withdrawal of such right.
7. Penalty for boiling bones, depositing filth, keeping swine, or

SECTION

- slaughtering cattle elsewhere than place designated by town council, when place is designated.
8. Farmers may slaughter their cattle on their own premises.
9. Expressing oil from fish, except at place designated by town council, prohibited.
10. Penalty for so doing.
11. Town councils may prohibit burials in compact parts of town.
12. Town councils may designate places for the manufacture of any article or substance.
13. Further powers of town councils to regulate nuisances.

SECTION 1. If nuisances or other causes injurious to the health of the inhabitants of any town, shall not be removed by the person permitting or erecting the same, pursuant to any order or regulation of the town council of the town, the town council shall thereupon adopt such measures as they shall deem effectual for the removal of such nuisances, or other causes injurious to the health of the inhabitants as aforesaid, at the proper charge and expense of the person erecting or permitting the same.

Town councils to provide for removal of nuisances, &c.

SEC. 2. The sheriff, his deputies, and the town sergeants and constables of the several towns, shall execute all such precepts and orders as shall be to them directed by said town councils, for carrying into execution the provisions of the section next preceding.

Orders of, what officers to execute.

SEC. 3. The town councils of the several towns may designate and establish the place or places where the business of slaughtering cattle and other animals shall be carried on, which designation shall vest in the occupant or owner thereof a right to the use and occupancy of said place or places for the purposes aforesaid, until the same be withdrawn or suspended in the manner hereinafter provided, or until the same shall have been abated as a public nuisance.

Town councils may designate places for slaughtering animals.

SEC. 4. Whenever, in the judgment of the town council of any town, the convenience or health of said town requires that the right of slaughtering, as provided in the section next preceding, should be withdrawn or suspended, the said town council may suspend or withdraw said right, first giving to the owner or occupant of such place or places two months' notice, in writing, of the intention to suspend or withdraw the same.

May withdraw right to use such places.

SEC. 5. Every person who shall, after such notice has been given as aforesaid, commence or continue to exercise or carry on the business of slaughtering cattle or other animals, in such place or places, shall be fined fifty dollars for every day during which he shall continue to exercise or carry on the business aforesaid.

Penalty for slaughtering thereafter.

SEC. 6. In case of the suspension or withdrawal by any town council of the said right to slaughter cattle or other animals, the said town shall be liable to the person to whom such right has been granted, for any loss or damage consequent upon the withdrawal or suspension of said right, by any town council, to be recovered at a special court of common pleas, in the manner provided by law for cases within the jurisdiction of said court.

Towns liable for damage caused by such withdrawal.

SEC. 7. Whenever the town council of any town shall have designated and established therein a place in which the business of boiling bones, depositing filth, keeping swine, or slaughtering cattle or other animals, may be carried on, as herein provided, every person who shall carry on such business in any other place, shall be fined fifty dollars for each day in which he shall carry on the same.

Boiling bones, depositing filth, keeping swine, or slaughtering cattle, prohibited, except, &c.

SEC. 8. Nothing herein contained shall be construed to deprive any farmer, not engaged or concerned in the business of slaughtering cattle or other animals, from erecting or continuing to use any building on his premises, for the purpose of slaughtering his own cattle, or other animals from time to time, as before accustomed to do.

Farmers may slaughter their cattle, &c.

SEC. 9. No person shall carry on the business of expressing oil from fish within any town, but at a place within such town to be designated by the town council thereof.

Expressing oil from fish prohibited, except, &c.

SEC. 10. Every person violating the provisions of the preceding section, shall be fined not less than one hundred dollars, nor more than five hundred dollars.

Penalty.

SEC. 11. Town councils of the several towns may prohibit burials

Town councils may prohibit burials in compact part of towns.

in the compact or thickly populated parts of any town, and may make such by-laws and ordinances relating to the same, and the use of grounds for burials in such localities, as they may think necessary for preserving the health of such neighborhood, and may enforce such ordinances in the manner provided in the first and second sections of this chapter.

May designate places for manufacture of any article, &c.

SEC. 12. The provisions of the third, fourth, fifth, and sixth sections of this chapter shall extend to the place of any manufacture of, or of working in, any article or substance the manufacture of which shall not be deleterious to the health of the neighborhood: *Provided*, that prior to any action of the town council under this section, public notice of the pendency of any petition therefor shall be given, in such mode, and for such time, as said council shall prescribe.

Further powers of, to regulate nuisances.

SEC. 13. The town councils of the several towns may make such rules and regulations as they shall deem necessary, to regulate and control the construction and location of all places for keeping swine, privy vaults, sinks, sink-drains, sink-spouts, cess-pools, and the outlets thereof, and may provide for the summary removal or reconstruction of all such as shall be by them deemed prejudicial to the public health, and may make rules prescribing the location of stables, and the time and manner of removing manure therefrom, or from privy vaults or slaughter-houses, and for the driving of animals through the highways of their several towns; and every person violating any ordinance, rule, or regulation made in pursuance of this section, shall be fined twenty dollars, to be recovered upon complaint and warrant before any justice court, to and for the use of the town wherein such violation shall occur.

CHAPTER 73.

OF THE SUPPRESSION OF CERTAIN NUISANCES.

SECTION

1. Buildings used for certain purposes declared common nuisances.
2. Penalty for keeping such common nuisance.
3. Evidence, what is sufficient to establish as a common nuisance, premises used for the illegal sale of strong liquors.
4. Leases of premises used for purposes declared nuisances, to be void.
5. Persons letting or permitting their buildings to be used for such purposes, or, after notice of such use, neglecting to eject tenants, deemed aiders of such nuisance.

Buildings used for certain purposes declared common nuisances.

SECTION 1. All buildings, places, or tenements used as houses of ill-fame, resorted to for prostitution, lewdness, or for illegal gaming, and all grog-shops, tippling-shops, or buildings, places, or tenements used for the illegal sale or keeping of intoxicating liquors, or where

SECTION

6. Town councils may pass ordinances for the abatement of, and may remove such nuisances.
7. Persons convicted of violating preceding sections may be sentenced to the workhouse and house of correction.
8. Chief of police of Providence, city marshal of Newport, and sheriffs, authorized to enter disorderly, &c., houses, and disperse, &c., inmates; penalty on persons refusing to depart.
9. Such officers may command aid in the execution of their authority.

intemperate, idle, dissolute, noisy, or disorderly persons are in the habit of resorting, are hereby declared to be common nuisances, and are to be regarded as such.

SEC. 2. Every person keeping or maintaining any such common nuisance shall be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned not less than sixty days, nor more than one year.

Penalty for keeping.

SEC. 3. It shall not be necessary to prove an actual sale of intoxicating liquors in any building, place, or tenement, in order to establish the character of such premises as a common nuisance, but the notorious character of any such premises, or the notoriously bad or intemperate character of persons visiting the same, or the keeping of the implements or appurtenances usually appertaining to grog-shops, tipping-shops, or places where intoxicating liquors are sold, shall be *prima facie* evidence that such premises are nuisances, within the meaning of the first section of this chapter.

Evidence, what sufficient to establish building as a common nuisance.

SEC. 4. If any person, being a tenant or occupant under any lawful title, of any building or tenement not owned by him, shall use said premises or any part thereof for any of the purposes enumerated in the first section of this chapter, such use shall annul and make void the lease or other title under which said occupant holds, and, without any act of the owner, shall cause to revert and vest in him the right of possession thereof, and said owner may make immediate entry, without process of law, upon the premises.

Lease of premises deemed nuisances, to be void.

SEC. 5. If any person shall let any building or tenement owned by him or under his control, for any of the purposes enumerated in the first section of this chapter, or shall knowingly permit any such building or tenement, or part thereof, to be so used while under his control, or shall, after five days' notice from any officer or magistrate of any such use of said building or tenement, omit to take all reasonable measures to eject the said person or persons from said premises as soon as the same may lawfully be done, he shall be deemed and taken to be guilty of aiding in the maintenance of such nuisance, and shall be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned in the county jail not less than sixty days, nor more than one year.

When lessors of such buildings deemed aiders of nuisance.

Penalty for aiding.

SEC. 6. The town councils of the several towns are hereby empowered to pass such ordinances, not inconsistent with this chapter, as they may deem most effectual for the prevention, suppression, or abatement of any such nuisance as is described in the first section of this chapter, or the said town councils or boards of aldermen may remove or cause to be removed such nuisance, in the same manner as is by law provided for the removal of other nuisances.

Town councils may abate, and remove, such nuisances.

SEC. 7. The court before which any person shall be convicted of any offence committed in violation of the foregoing provisions, may sentence such person to "the workhouse and house of correction" for a term not less than six months nor more than three years, instead of imposing the sentence hereinbefore prescribed.

Of sentence to "workhouse and house of correction."

SEC. 8. The chief of police of the city of Providence, the city marshal of the city of Newport, and the sheriff of any county, may, within their respective cities and counties, enter any house or building which he may have cause to suspect to be inhabited for purposes of prostitution and lewdness, or of being resorted to by persons of ill-fame, or by persons of dissolute, idle, or disorderly character, or in which such officer has reasonable cause to believe intoxicating liquors are sold in violation of law, or unlawful games are carried on or

What officers may enter disorderly, &c., houses, and disperse, &c., inmates.

permitted, and upon entering such house or building, such officer may command all persons assembled therein to immediately depart therefrom; and in the event of the neglect or refusal of any person so assembled to obey such command, such officer may arrest such person, and hold him for a period not exceeding twenty-four hours, for prosecution; and every person who shall so refuse or neglect to obey the order of such officer to depart from such building or house, shall be deemed to have been guilty of a misdemeanor, and shall be fined, not exceeding twenty dollars, or be imprisoned not exceeding thirty days.

Penalty on persons refusing to depart.

Officers may command aid.

SEC. 9. Either of the officers named in the next preceding section of this chapter, may command aid in the execution of the authority therein conferred.

CHAPTER 74.

OF REGULATIONS FOR THE PREVENTION OF INFECTIOUS AND CONTAGIOUS DISEASES.

SECTION

1. Vessel infected with contagious disease not to anchor within one mile of any landing-place; no person to be landed from, or to go on board of, such vessel, without license.
2. Signals to be kept in the shrouds of such vessel.
3. Persons leaving such vessel to be sent back, or confined, and to be fined.
4. Physician to be sent on board, to examine such vessel and persons on board.
5. Persons on board to be kept there, or sent to hospital.
6. Persons appointed to take care of and cleanse infected goods in such vessels.
7. Goods when cleansed to be delivered to owner; charges a lien on the goods.
8. Goods not infected to be delivered to owner; if brought by land from infected place, to be cleansed, or destroyed.
9. Infected goods landed clandestinely to be forfeited.
10. Town councils to adjust charges for securing vessel, cleansing goods, and attending the sick.
11. Town treasurer to sue for such charges if person liable refuses to pay.
12. Persons coming into the state by

SECTION

- land from infected place, to be fined.
13. Town councils may appoint persons to examine persons coming from infected places.
14. Householders, &c., to give notice of small-pox in their houses.
15. Penalty for neglecting to give such notice.
16. Duties of town councils upon receiving such notice.
17. Expense of guarding and cleansing infected houses, by whom paid.
18. Town councils may remove infected persons to hospital.
19. Houses infected not to be visited without license.
20. Flag to be placed and kept near front door of infected house.
21. Penalty for wilfully spreading any infectious disease.
22. Penalty on physician, surgeon, and others, for neglect of duty.
23. Town councils may remove persons residing near any infected place.
24. Town councils to provide for gratuitous vaccination of inhabitants.
25. To contract with vaccinators; vaccinators appointed, to give notice.
26. Record of vaccinations to be deposited in office of town clerk.
27. Town clerk to keep such records.

SECTION 1. Every commander of any vessel which shall come into any port or harbor of this state, and shall have any person on board sick of the small-pox or any contagious or infectious distemper, or which has had any person sick of such distemper in the passage, or which shall come from any port or place usually infected with the small-pox, or where any other contagious or infectious distemper is prevalent, who shall bring such vessel to anchor in any of the ports of this state within the distance of one mile of any public ferry, pier, or landing-place, or permit or suffer any person on board such vessel to be landed, or any person to come on board such vessel, without a license first had and obtained from the town council of such town where such vessel shall arrive, shall be fined four hundred dollars.

Vessel infected with contagious disease, where to anchor, &c.

License required to go on board of, or land from.

SEC. 2. Such commander, on his first arrival in any port in this state, shall hoist and keep his colors in the shrouds of such vessel, as a signal of having come from any such infected place, or having infection or contagion on board.

Signals to be kept in shrouds.

SEC. 3. If any person shall come on shore from on board such vessel, without license first had and obtained as aforesaid, the town council may send back such offender immediately on board such vessel, or confine him on shore in such convenient place as to them shall appear most effectual to prevent the spreading of any infection; and the person so offending shall satisfy and pay all charges that shall arise thereon, and shall also be fined forty dollars.

Penalty for leaving such vessel.

SEC. 4. The town council of the town where such vessel shall arrive shall send a physician, or other suitable person, to examine into and make report to them of the true state of such vessel and the people on board, at the charge of the master or owner of such vessel; and they shall forthwith put on board such vessel some suitable person or persons to secure said vessel, and effectually prevent any communication therewith, at the like charge of the master or owner thereof.

Physician to be sent on board, duties of.

SEC. 5. The town council of such town shall confine on board such vessel, or send to some hospital, or other suitable place, all persons who came in said vessel, for a convenient time, until such of them as have, or are liable to have, the small-pox or other infectious or contagious distemper, are perfectly recovered and cleansed from said distemper, or have passed a suitable quarantine; and also all persons who have gone on board said vessel without license as aforesaid, at the charge and expense of such persons respectively.

Persons on board, how disposed of, &c.

SEC. 6. The town council of such town shall appoint suitable persons to take effectual care that all goods, wares, and merchandise imported in such vessel, which they think liable to hold and communicate the infection or contagion, are landed in some suitable place to be appointed by such council, and cleansed in the manner by them directed, before they are permitted to be brought into any house, shop, or warehouse, other than where they are cleansed as aforesaid.

Persons to be appointed to cleanse infected goods.

SEC. 7. Whenever such goods are sufficiently aired and cleansed, said persons shall give the owners or possessors thereof a certificate to that effect; and the town council shall allow and order said goods, wares, and merchandise, to be delivered to the owners thereof; and the charge and expense of airing, landing, and cleansing such goods, wares, and merchandise, shall be borne by the respective owners; and such charge shall be a lien on such goods, wares, and merchandise.

Goods to be delivered to owner when cleansed;

charges a lien on.

SEC. 8. All goods that are judged by the town council not to be

Goods not infected to be delivered to owner;

if brought by land from infected place, to be cleansed, or destroyed.

Infected goods landed clandestinely, forfeited.

Charges fixed by town councils.

Town treasurer to sue for, when.

Penalty for coming by land from infected places.

Town councils may appoint persons to examine persons so coming.

Householders, &c., to give notice of small-pox in house.

Penalty, for not giving.

Duties of town councils, upon receiving such notice.

infected shall be delivered to the owners without delay and expense of airing, and as soon as may be consistent with the safety of the town in regard to other parts of the cargo; and all goods, wares, and merchandise imported into any town by land from any place infected with the small-pox, or other contagious or infectious distemper, shall be aired and cleansed at the discretion of the town council of such town, and at the expense of the owners thereof as aforesaid, or destroyed if necessary.

SEC. 9. All goods imported in such vessel as aforesaid, that shall be clandestinely landed or brought into any house, shop, or warehouse without a certificate and allowance as aforesaid, or that shall be imported by land as aforesaid, and not cleansed or aired by order of the town council as aforesaid, shall be forfeited; one third to the use of the state, and the other two thirds to the use of the person who shall sue for the same.

SEC. 10. The town councils of the respective towns shall fix, settle, and adjust all wages and charges demanded by persons employed by them, to secure such vessel, or to air and cleanse such goods, or to attend upon and nurse such persons as aforesaid.

SEC. 11. If any owner, freighter, mariner, or passenger as aforesaid, shall refuse to pay such wages and charges so settled, adjusted, and fixed, then the town treasurer of such town shall sue for and recover such wages and charges, and the court where such action is brought shall tax double costs for the plaintiff, if he recover in his said action.

SEC. 12. Whenever the small-pox, or any other infectious or contagious distemper, shall be prevalent in any place or town, all persons who shall come from any such infected place or town into this state by land, before the expiration of ten days after they shall have left such infected place or town, shall be fined not exceeding one hundred dollars, nor less than ten dollars.

SEC. 13. The town council in any town may appoint proper persons at all ferries or places that to them may seem necessary, to examine on oath all persons suspected of violating the provisions of the section next preceding, and on reasonable cause of suspicion, may bring such offenders before some magistrate, that they may be dealt with according to law.

SEC. 14. Every householder or person shall immediately inform the town council of the town wherein he dwells, of any person in the house or tenement occupied by him, who has been taken sick of the small-pox, or any other contagious or infectious distemper, or suspected to be so.

SEC. 15. Every person violating any provision of the section next preceding, shall forfeit twenty dollars to the use of the town, to be sued for in the name of the town treasurer.

SEC. 16. Whenever the town council shall be so notified, they shall make proper examination by some physician or other skilful person; and if it be the small-pox or other contagious or infectious distemper wherewith such person is sick, they shall immediately set a proper guard to prevent the spreading of the contagion or infection, and shall remove said person to any such place in the town as they shall think the most proper to prevent the spreading of the infection or contagion, or continue the said guard as aforesaid, according as to them shall seem necessary; and likewise they shall confine all such persons as may be by them suspected of having taken the distemper, in some proper place, until they are recovered and cleansed from the said distemper, or have performed a suitable quarantine.

SEC. 17. Whenever the small-pox, or other contagious or infectious distemper, shall break out in any house, and the infected persons be confined to such house, the town shall be at the expense of guarding the same, and the owner at the charge of cleansing the same, to be settled by the town council, which charges of cleansing, upon refusal to pay the same, shall be recovered by the town treasurer.

Expense of guarding and cleansing infected houses, by whom paid.

SEC. 18. In case the small-pox, or other contagious or infectious distemper, shall break out in any house or family in any town, the town council thereof may remove any inhabitants of said town, visited with the small-pox or other contagious or infectious distemper, to the hospital in said town, or other convenient place, in order to prevent the spreading of the infection; or otherwise, at their discretion, place a guard around the dwelling-house of the infected person, as to them shall seem necessary.

Town councils may remove infected persons to hospital.

SEC. 19. So long as the town council of any town shall endeavor to prevent the spreading of the small-pox, any persons who shall visit any person suspected to have the small-pox, or shall go into the house where suspected persons are confined, without a license first had from the town council of the town or of the attending physician, shall forfeit for every such offence twenty dollars; one half to the use of the town where such offence is committed, and the other half to the use of the person who shall sue for the same; and such persons, on information of their offence, shall be liable to be confined until they are suitably aired and cleansed or have performed suitable quarantine, at the discretion of the town council to whom complaint of the same shall be made.

Houses infected not to be visited without license.

SEC. 20. Whenever any person shall be found to be infected with the small-pox, it shall be the duty of the householder in whose house such infected person may be or reside, within twenty-four hours thereafter, to place a white flag not less than three feet in length and two in breadth, with the words "small-pox," in large black letters on both sides thereof, and so suspended as to be easily read, at or near the front door or principal entrance to such house, on the outside thereof, and to keep said flag up so long as there shall be any danger of taking the infection from said house.

Flag to be placed near entrance of infected house.

SEC. 21. Every person who shall be convicted of wilfully and purposely spreading the small-pox, or other contagious or infectious distemper, within this state, shall be imprisoned for one year; and if any person shall die in consequence of the spreading of the small-pox, or other contagious or infectious distemper as aforesaid, the person who shall be convicted of wilfully and purposely spreading the same as aforesaid, shall be fined not exceeding five thousand dollars, and be imprisoned not more than five years, nor less than one year.

Penalty for wilfully, &c., spreading infectious disease.

SEC. 22. If any physician, surgeon, or any other person lawfully required by any town council to do any duty relating to the prevention of the spreading of the small-pox, or executing any part of this chapter, shall refuse or neglect to perform the same, the performance thereof being in his power, such physician, surgeon, and other person shall, for every offence, be fined forty dollars.

Penalty on physician, surgeon, and others for neglect of duty.

SEC. 23. In case any person shall hereafter be sick of any malignant, pestilential, or infectious disease in any town, so as to endanger his life by being removed, or in case it shall appear that the disease be so spread that the atmosphere, in the judgment of the town council, has become so contaminated as to endanger the lives of those persons who reside or go into the neighborhood of the sick, the town council of such town may cause all such persons within such neigh-

Town councils may remove persons residing near infected place.

borhood to be notified to remove therefrom within three days; and if after that time any person shall remain there, the said town council may cause him to be forthwith removed at his own expense: *Provided*, that the expense of the removal of the poor, or such as are unable, in the judgment of the town council, to remove themselves, shall be paid out of the town treasury.

To provide for gratuitous vaccination.

To contract with vaccinators; vaccinators to give notice.

Record of vaccinations to be deposited in office of town clerk.

Town clerk to keep such records, &c.

SEC. 24. The town councils in the several towns shall provide annually for the gratuitous vaccination of the inhabitants thereof.

SEC. 25. Such councils shall contract with and provide a suitable number of vaccinators to vaccinate as aforesaid; and order the treasurers of the several towns respectively to pay them such compensation as may be previously agreed upon; and the said vaccinators shall give due and reasonable notice of the time and place of meeting for the purpose of vaccination.

SEC. 26. Such vaccinators, as soon after fulfilling said contract as may be convenient, shall place in the several town clerks' offices a book, in which shall be by them respectively recorded, in a fair and legible hand, the name and age of every patient by them vaccinated as aforesaid, and also such other remarks and observations as they may deem useful.

SEC. 27. Such clerks shall safely keep said books for the accommodation of such vaccinators and others, without any compensation, and deliver the same over to their successors; but they may charge lawful fees for searching the same, or for any copies.

CHAPTER 75.

OF QUARANTINE.

SECTION

1. Health officer may be appointed in seaport towns; his duties and compensation.
2. Rules respecting quarantine to be published.
3. Town councils to prescribe ports from which vessels arriving shall be subject to quarantine.
4. Town councils to designate place where vessels subject to quarantine shall anchor; quarantine limits, and time of detention.
5. Sentinel to be appointed, his duties, and how paid.
6. Penalty for neglecting to anchor vessel upon being directed by the sentinel.

SECTION

7. Vessel to be anchored on quarantine ground at expense of owners.
8. Penalty for leaving vessel under quarantine, without permission.
9. Persons on board vessels subject to quarantine, prohibited from entering certain places, without permission.
10. Penalty for entering such places.
11. Sheriffs and other officers to carry into effect regulations respecting quarantine.
12. Penalties, how recovered, and how to enure.

Health officer may be appointed in seaport towns; his duties and compensation.

SECTION 1. Each seaport town, or the town council thereof, may appoint a health officer for such town, who shall visit all vessels which shall be subject to examination or quarantine, and carry into execution all regulations established by the town council, and shall be at all times accountable to said town council, and shall receive for

his services such compensation as said council may allow, to be paid by the owners, agents, or commanders, of such vessels as may be subjected to quarantine or examination.

SEC. 2. Such town council shall cause to be published in one or more newspapers printed in this state, within or nearest the town wherein such rules and regulations shall be adopted, and at the proper cost and expense of the town, all rules and regulations made by them respecting quarantine.

Town councils to publish rules respecting quarantine.

SEC. 3. They shall prescribe from time to time the several ports, places, or countries, from which vessels arriving shall be subject to examination or quarantine.

May prescribe quarantine, &c.

SEC. 4. They shall designate the particular place in their harbor, bay, or river, adjacent to such town, where all ships or vessels arriving, subject to examination or quarantine, shall come to anchor; and shall define the limits of such quarantine ground, and assign the time for which such ships or vessels shall be detained, and where and how unladen.

To designate place of anchorage, define quarantine limits, and time of detention.

SEC. 5. They may appoint a sentinel, who shall be paid by the town and be stationed in some convenient place on shore, or in some boat or vessel properly situated, to hail all ships or vessels which may arrive in such river, bay, or harbor; and if such sentinel shall find any ship or vessel is subject to quarantine, he shall direct the commander thereof to come to anchor within the limits of such quarantine ground, and there remain until visited by the health officer, and to place a signal in said vessel's shrouds in such manner as to be seen at a proper distance.

Sentinel to be appointed; his duties, and how paid.

SEC. 6. Every commander of a ship or vessel who shall, upon being hailed and directed by such sentinel, refuse or neglect to bring his ship or vessel to anchor within the limits as above described, shall be fined not exceeding five hundred dollars, nor less than twenty dollars, to the use of the town.

Penalty for neglect to anchor, when directed by sentinel.

SEC. 7. The town council may order such ship or vessel to be anchored on the quarantine ground, at the expense of the owners, master, or commanding officer thereof, there to remain until legally discharged therefrom.

Vessel to be anchored at owner's expense.

SEC. 8. Every person who shall leave any ship or vessel under order of quarantine, without permission from the health officer or the town council of such town, shall forfeit not exceeding twenty dollars; and said town council may order such person to be returned on board of such vessel, there to remain until said council order him to be dismissed.

Penalty for leaving vessel under quarantine without leave.

SEC. 9. If any vessel shall arrive in the waters of this state, bound to the port of Providence, at any time while the quarantine regulations of said city are in force, no person on board such vessel shall enter into the city of Providence, the village of Pawtuxet, or the compact part of the town of Cranston, until such vessel shall have been visited and examined by the health officer of said city, and permission shall have been given by such health officer, or by the board of aldermen of said city, to such person, to enter therein.

Persons on quarantined vessels not to visit certain places, unless, &c.

SEC. 10. Every person so entering into said city, village, or town as aforesaid, without such permission first had and obtained, shall forfeit not exceeding twenty dollars; and said board of aldermen may cause such person to be returned to such vessel in case she is under quarantine, there to remain until permitted to depart therefrom.

Penalty for entering such places.

Officers to enforce quarantine regulations.

SEC. 11. Every sheriff, deputy sheriff, town sergeant, and constable

ble shall carry the rules and regulations of the town council within his precinct, into effect.

Penalties, how recovered, and how to enure.

SEC. 12. Every forfeiture for the violation of any of the provisions of this chapter shall be sued for in the name of the town treasurer of the town where the offence was committed, and shall enure to such town.

CHAPTER 76.

OF CONTAGIOUS DISEASE AMONG CATTLE.

SECTION

1. Penalty for bringing animals infected with contagious disease into the state, or exposing same to other animals.
2. Town councils may pass ordinances to prevent spread of infectious or contagious diseases.
3. Cattle commissioners, when and how appointed, and compensation of.
4. Commissioners may prohibit introduction of cattle into state; penalty for violation of such prohibition.
5. Duty of commissioners.
6. Same subject.

Penalty for bringing infected, &c., animals into state, or exposing same.

Town councils may pass ordinances to prevent infection.

Cattle commissioners, when and how appointed, and compensation.

Commissioners may prohibit introduction of cattle into state; penalty

SECTION

7. Penalty for selling diseased cattle, or milk from same.
8. Commissioner may make necessary regulations for prevention, cure, &c., of disease; mode of compensating owners for cattle killed by order of commissioners.
9. Regulations made by commissioners, to supersede those of towns.
10. Commissioners to record proceedings, and report to general assembly.
11. Orders, &c., how signed.
12. Limitation of prosecutions for penalties under this chapter.

SECTION 1. Every person bringing into this state any neat-cattle or other animals which he knows to be infected with any infectious or contagious disease, or who shall expose such cattle or other animals, known to him to be so infected, to other cattle and animals not infected with such disease, shall be fined not less than one hundred dollars, nor more than five hundred dollars.

SEC. 2. The town councils of the several towns may pass such ordinances as they may think proper, to prevent the spread of infectious or contagious diseases among cattle and other animals within their respective towns, and may prescribe penalties for the violation thereof, not exceeding twenty dollars for any one offence.

SEC. 3. The governor may appoint a board of cattle commissioners, to consist of one member from each county, excepting Providence county, which shall have two members (any four of such commissioners constituting a quorum), whenever in his judgment the public safety may require, and may terminate their commissions whenever in his judgment the public safety may permit. The compensation of such commissioners shall not exceed three dollars each, per day, for actual service, in addition to their travelling and other expenses necessarily incurred.

SEC. 4. Such commissioners may prohibit the introduction of any cattle or other domestic animals into this state. And every person who shall bring, transport, or introduce any cattle or other domestic animals into this state, after said commissioners or any one of them

shall have issued an order forbidding the same, or after the commissioners shall have published for five successive days an order in such newspapers published in this state as the commissioners may direct, forbidding such introduction, shall be fined not more than three hundred dollars for every offence; and every officer or agent of any company, or other persons who shall violate such order, shall be subject to the fine aforesaid. In case of the introduction into this state of a number of cattle or other domestic animals, contrary to the orders of such commissioners, the introduction of each animal shall be deemed a separate and distinct offence.

for violation of such prohibition.

SEC. 5. Such commissioners shall endeavor to obtain full information in relation to any contagious disease which may prevail among cattle or other domestic animals near the borders of the state, and shall publish and circulate such information at their discretion; and should any such disease break out, or should there be reasonable suspicion of its existence among cattle or other domestic animals in any town in this state, they shall examine the cases, and publish the result of their examination, for the benefit of the public.

Duty of commissioners.

SEC. 6. Such commissioners may appoint suitable and discreet persons, on or near the several highways, turnpike-roads, railroads, and thoroughfares in the state, who shall inquire into all violations of this chapter, and report the same to the commissioners for immediate prosecution.

Same subject.

SEC. 7. If any person, during the existence of said board, shall sell, or offer to sell, any cattle or other domestic animals, or any part or parts thereof, known to him to be infected with any contagious disease, or with any disease dangerous to the public health, or shall sell, or offer to sell, any milk from any such cattle or other domestic animals, he shall be fined not more than one thousand dollars, or be imprisoned not exceeding two years, or both, at the discretion of the court.

Penalty for selling diseased cattle, or milk from same.

SEC. 8. The commissioners may make all necessary regulations for the prevention, treatment, cure, and extirpation of such disease; and the value of all cattle or other domestic animals killed by the written order of the commissioners, shall be appraised by three disinterested persons to be appointed by the commissioners, such appraisal to be made just before the cattle or other domestic animals are killed, and the amount of such appraisal shall be paid by the state to the owner of such cattle or other domestic animals; and every person who shall fail to comply with any regulation by them so made, shall be fined not more than three hundred dollars, or be imprisoned not more than one year.

Commissioners may make regulations for prevention, cure, &c., of disease; owners of cattle killed by order of, how compensated.

SEC. 9. Whenever the commissioners shall make and publish any regulations concerning the extirpation, cure, or treatment of cattle or other domestic animals infected with, or which have been exposed to any contagious disease, such regulations shall supersede the regulations made by the authorities of the several towns and cities upon the same subject; and the operation of such regulations made by said authorities shall be suspended, during the time those made by the commissioners as aforesaid shall be in force.

Regulations of commissioners to supersede those of towns

SEC. 10. The commissioners shall keep a record of their doings, and make report of the same to the January session of the general assembly, next after the time of their appointment, unless sooner required by the governor.

Commissioners to record proceedings, and report to general assembly.

SEC. 11. All orders, appointments, and notices from the commissioners, except the order of notice provided for in section four, shall bear the signature of the president or chairman, and secretary.

Orders, &c., how signed.

Limitation of prosecutions.

SEC. 12. Every prosecution for a violation of any of the provisions of this chapter, shall be commenced within thirty days from the commission thereof.

CHAPTER 77.

OF THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

SECTION

1. Town clerks or registers to record and make annual returns of births, deaths, and marriages, to secretary of state.
2. Secretary, with committee of R. I. Med. Soc. to publish abstract of returns.
3. Forms of records of births, deaths, and marriages, and what to contain.
4. Monthly returns of marriages to be made to town clerks.
5. Town clerks to ascertain and record births, and fee for.
6. Attending physicians to certify and leave information of deaths.
7. Appointment of undertakers.
8. Undertakers' return to town clerks.
9. Towns to pass laws to secure registration, &c.
10. Fees of town clerks, &c.
11. Penalties upon clergyman, phy-

SECTION

- sician, undertaker, &c., for wilful neglect of registration duty.
12. Names and residence of clergymen, physicians, coroners, undertakers, and clerks of societies of Friends, to be recorded.
13. Letters of administration, or testamentary, not granted until record of death.
14. Books of registry and certified copies of, evidence.
15. Records of births, &c., of non-residents, how distinguished.
16. Power of secretary of state to require additional returns.
17. Annual appropriation for making abstract and report.
18. Fees of town clerks, &c., for collecting, recording, and returning births.
19. Returns of divorces, where to be published.

Town clerks or registers to record, and make annual returns, of births, deaths, and marriages, to secretary of state.

SECTION 1. The town clerks of the several towns, or in lieu thereof, any person whom the board of aldermen of any city, or the town council of any town may, upon the written recommendation of an authorized committee of the Rhode Island Medical Society, appoint for that purpose, are hereby authorized and required to obtain, chronologically record and index, as required by the forms prescribed by the third section of this chapter, all information concerning births, marriages, and deaths, occurring among the inhabitants of their respective towns; and on or before the first Monday of March, annually, to make duly certified returns thereof to the secretary of state, for each year, ending on the thirty-first day of December, accompanying the same with a list of those individuals, required by law to make returns to him, who have neglected the same, and with such remarks relating to the object of the law, as they may deem important to communicate.

Secretary, with committee of R. I. Med. Soc. to publish abstract of returns.

SEC. 2. The secretary of state shall receive the returns made in pursuance of the preceding section, and annually, with such assistance as shall be rendered by any authorized committee of the Rhode Island Medical Society, make and publish, not exceeding one thousand

copies, a general abstract and report thereof, in form as prescribed by section third of this chapter. He shall also cause said returns to be arranged, full alphabetical indices of all the names to be made, the whole to be bound in convenient sized volumes, and carefully preserved in his office, for which he shall receive the sum of fifty dollars.

SEC. 3. The blank forms required to carry out the provisions of this chapter shall, on application, be furnished by the secretary of state to clergymen, physicians, undertakers, town clerks, clerks of the Society of Friends, and other persons requiring them, substantially after the following forms, viz.: The record of a birth shall state the date and place of birth, name and sex of the child, whether living or stillborn, the name and surname, color, occupation, residence, and birthplace of the parents, and the time of recording, so far as the same can be ascertained. The record of a marriage shall state the date of the marriage, place, name, residence, and official station of the person by whom married, names and surnames of the parties, age, color, occupation, and residence of each, condition (whether single or widowed), what marriage, if second, third, or other marriage, the occupation, birthplace, and name of their parents, and the time of recording, so far as the same can be ascertained. The record of deaths shall state the date of death, name and surname of deceased, the sex, color, and condition (single or married), age, occupation, place of death, place of birth, names and birthplace of parents, disease, or cause of death, and the time of recording, so far as can be ascertained.

Forms of records of births, deaths, and marriages, and what to contain.

Of Marriages.

SEC. 4. Every Society of Friends, clergymen, and all others, authorized to join persons in marriage, shall make a faithful record of every such rite performed by them, in manner and form aforesaid, and return the same on or before the second Monday of every month, for the last preceding month, to the clerk of the town in which such rite shall have been performed; and no marriage shall be solemnized, until the parties shall have signed and delivered to the authority about to solemnize it, or to the clerk of a Society of Friends, a certificate containing the information required for the record of a marriage, as prescribed in the third section of this chapter.

Monthly returns of marriages to be made to town clerks.

Of Births.

SEC. 5. The clerk of every town, shall annually, in the month of January, collect the facts required by section third of this chapter, in relation to all children born in the town during the year ending the thirty-first day of December next preceding, and for each full report of a birth so obtained, the clerk shall receive ten cents, to be paid by the town in which the birth is recorded.

Town clerks to ascertain and record births; fee for.

Of Deaths.

SEC. 6. Whenever any person shall die in the state, it shall be the duty of the physician attending in his or her last sickness, within forty-eight hours after the death, to leave with the family, if any, or persons having the care of the deceased, or to give to the undertaker or person who conducts the funeral, a certificate stating the name of the deceased, the date of the death, and the disease or cause of death.

Attending physician to report, &c., deaths.

Of Undertakers.

Appointment of undertakers.

SEC. 7. There may be appointed by the town authorities of every town, a sufficient number of persons to act as undertakers, removable at the pleasure of the authorities.

Undertakers' return to town clerks.

SEC. 8. The undertaker, or the person who shall conduct a funeral, or who shall bury or deposit in a tomb the body of any deceased person, shall obtain the facts, required by section third of this chapter in relation to deaths, concerning such deceased person, together with the physician's certificate of the cause of the death, if a physician was in attendance, and on or before the second Monday of the next succeeding month shall make a return of the facts obtained, together with the physician's certificate, to the clerk of the town in which the death occurred.

Towns may pass laws to secure registration, &c.

SEC. 9. Any town may enact municipal laws, more effectually to attain the objects herein contemplated: *Provided*, they do not conflict with the main and specific object of this act, viz.: to procure the most perfect registration.

Of Fees.

Fees of town clerks, &c.

SEC. 10. The town clerks, or persons recommended and appointed as aforesaid, shall receive for each record of a death made and returned as required by law, and for each record of a marriage made and returned as required by law, twenty cents, to be paid to them out of their respective town treasuries: *Provided*, that the yearly compensation to be paid out of the town treasury as aforesaid, to any one town clerk or person appointed as aforesaid, who shall faithfully perform the duties prescribed by this chapter, shall not be less than five dollars. Undertakers and others making returns of deaths as required in section eight of this chapter shall receive for each full report of a death made to the town clerk, five cents, in the cities of Providence or Newport, and ten cents in the other towns of the state.

Penalties for neglect of registration duty.

SEC. 11. If any clergyman, physician, undertaker, town clerk, clerk of any meeting of the Society of Friends, or other persons, shall wilfully neglect or refuse to perform any of the duties imposed on, or required of him, by this chapter, he shall, at the discretion of the court trying the cause, be fined not exceeding twenty dollars for each offence, one half thereof to the use of the town in which the offence shall occur, the other half to the use of the person who shall complain of the same.

Names and residences of clergymen, physicians, &c., to be recorded.

SEC. 12. In order that it may be more surely ascertained that no clergyman, physician, coroner, undertaker, or clerk of the Society of Friends, neglects to make the returns specified in this chapter, each of the said parties shall cause his name and residence to be recorded, in the clerk's office of the town where he resides.

Letters of administration or testamentary, not granted until record of death.

SEC. 13. No letters of administration, or letters testamentary, shall be granted by any court of probate, upon the effects or estate of any person, until the death of such person, or the facts from which the same is presumed, shall be duly certified, as near as may be, to the town clerk, in order that the same may be duly registered according to the provisions of this chapter.

Registers and certified copies, to be evidence.

SEC. 14. Such books or registers, or a certificate duly certified by the town clerk, or person appointed as aforesaid, as containing a full copy of the record of any marriage, birth, or death, shall hereafter be

admitted in any court in this state, as *prima facie* proof of any marriage, birth, or death.

SEC. 15. Births, marriages, and deaths of non-residents, shall be distinguished from those of residents in the returns, by being arranged separately.

SEC. 16. The secretary of state may, from time to time, vary the forms of returns, and require such additional information as he may consider necessary, to effect the object of this chapter.

SEC. 17. The sum of three hundred and fifty dollars annually, to be drawn for by the secretary of state, is appropriated out of the general treasury, to defray the expense incident to examining, collecting, and arranging the registration returns, making the necessary tables, and drawing up the report required by the second section of this chapter.

SEC. 18. The town clerks or other officers appointed under this chapter, to collect, record, and return the births in the several towns, shall receive fees therefor as follows: For collecting the facts required in relation to births, fifteen cents each; for making record and return of these facts as required by law, twenty cents each for the first fifty entries in each calendar year, and ten cents each for each subsequent entry and return.

SEC. 19. The returns required to be made by clerks of the supreme court, in relation to divorces, to the secretary of state, or a prepared abstract thereof, shall be published in the annual report upon the births, marriages, and deaths in the state.

Returns of non-residents, how distinguished.

Secretary of state may require additional returns.

Annual appropriation for making abstract and report.

Fees of town clerks, &c., for collecting, recording, and returning births.

Returns of divorces, where to be published.

CHAPTER 78.

OF LICENSED HOUSES.

SECTION

- 1. Town councils to license taverns, cook shops, &c.
- 2. License, what to specify, and how long in force.
- 3. Penalty for keeping tavern, cook shop, &c., without license.

SECTION

- 4. Bond of licensed person.
- 5. Duty of licensed person.
- 6. Penalty upon, for breach of duty.
- 7. Annulment of license by conviction, or judgment on bond.

SECTION 1. The town council of each town shall have power to regulate the keeping of taverns, victualling houses, cook shops, oyster houses and oyster cellars therein, by granting licenses therefor, upon such compensation for the benefit of the town as they shall see fit to impose, or by refusing to grant them.

Town councils to license taverns, cook shops, &c.

SEC. 2. Every such license shall specify the person licensed, the business licensed, and the building or room in which he shall pursue the same, and shall continue and be in force until the Thursday next following the first Wednesday in April, unless sooner revoked for cause.

License, what to specify, and how long in force.

SEC. 3. If any person in any town shall open, or keep open, any tavern, victualling house, cook shop, oyster house, or oyster cellar, without license first had and obtained from the town council of such town, or in any place other than that specified in such license, such person shall be fined fifty dollars for every offence, one half thereof to the use of the town in which the offence shall have been committed, and the other half to the use of the state.

Penalty for keeping tavern, cook shop, &c., without license.

Bond of licensed person.

SEC. 4. Every person licensed as aforesaid shall give bond in the sum of one hundred dollars to the town in which said license shall be granted, with surety satisfactory to the town council, and with conditions to comply with the provisions of his license and of law.

Duty of licensed person.

SEC. 5. Every such licensed person shall maintain good order in the building licensed, and shall not sell, or suffer to be sold, any ale, wine, or strong liquor therein: nor shall he suffer any person in said licensed building to become intoxicated, nor shall he under any circumstances take in pawn, or pledge any article whatever: neither shall he suffer said licensed building to become frequented by any common drunkard, or person addicted to the intemperate use of ale, wine, or strong liquors, or by any person who is a disturber of the peace, or who is wasting his property or earnings and means of supporting himself and family, or by any person under lawful age; nor shall he suffer or permit any person to play at any game of chance or skill for ale, wine, or strong liquor, money, or other valuable consideration, within any of his possessions.

Penalty upon, for breach of duty.

SEC. 6. Every such licensed person violating either of the provisions of the next preceding section, shall be deemed the keeper of a disorderly house, and shall be fined fifty dollars, one half thereof to the use of the town in which the offence shall have been committed, and the other half to the use of the state.

Annulment of license by conviction, or judgment on bond.

SEC. 7. In case any such licensed person shall be convicted of keeping a disorderly house, or in case judgment shall be rendered against any such person in a suit on his bond, the town council shall forthwith withdraw and annul his said license; and he shall not be licensed during the two years next following his conviction.

CHAPTER 79.

OF THE SUPPRESSION OF INTEMPERANCE.

SECTION

1. Prohibition of sale of wine, rum, and strong liquors, &c.
2. Licenses for sale of, when and how granted, requisites for obtaining.
3. Time of granting licenses.
4. Licenses not to be granted contrary to vote of town.
5. Places licensed (taverns excepted), not to be connected with dwelling-house.
6. License, when to be paid for and bond given.
7. License bonds, to whom given.
8. Transfer of license, when and how to be made.
9. Form of license; where to be kept, &c.
10. Of bonds and sureties, effect of not giving.
11. Penalty for violation of conditions

SECTION

- of license; when license revocable.
12. Penalty for selling liquor to minors.
13. Penalty for ejecting intoxicated person from premises where he has purchased liquor.
14. Penalty for second conviction of certain offences.
15. Town councils may appoint special constables to enforce laws respecting sale of liquor, &c.
16. Powers of special constables.
17. Sheriffs, their deputies, town sergeants, and chiefs of police, to constitute a state police; their duties.
18. Power of certain officers to seize liquors illegally kept for sale, and proceedings in case of seizure.
19. Fees for seizure.

SECTION

- 20. Accounts of officers, how verified and paid.
- 21. Limitation of special powers in this chapter conferred.
- 22. Sheriffs to receive copies of this chapter, &c.
- 23. Sheriff may appoint deputy; his powers and duties.
- 24. Town treasurer to return account to general treasurer semi-annually of all state moneys received under provisions of this chapter, &c.
- 25. Penalty for selling liquor.
- 26. Penalty for keeping liquor for sale.
- 27. Penalty for bringing into state and carrying liquor for sale.
- 28. Penalty upon expressmen, &c., for receiving for carriage liquor sold, or for sale.
- 29. Penalty upon agents of railroads for receiving for carriage liquors sold or for sale.
- 30. Fines under certain sections, how to enure, and complaints for, how barred.
- 31. Appeal given from sentence of justice court.
- 32. Recognizance to be given on appeal, and how certified.
- 33. Neglect of appellant to give recognizance.
- 34. Upon appeal, witnesses to give recognizance.
- 35. Penalty upon manufacturer and common seller of ale, wine, liquor, &c.
- 36. Common seller, defined.
- 37. Saving of cider, &c., manufactured for domestic use, &c.

SECTION

- 38. Saving of domestic manufacture of wine from currants or grapes.
- 39. Penalty upon railroads for transporting liquor for illegal sale.
- 40. Power of certain officers to seize and detain liquors illegally kept, &c.
- 41. Of warrant of search for liquors, and complaint for same.
- 42. Of service and return of warrant.
- 43. Of complaint for search of dwelling-house.
- 44. Officer seizing to prosecute for forfeiture.
- 45. Of judgment of forfeiture.
- 46 and 47. Forfeited liquors to be inspected, and how disposed of.
- 48. Of amendment of process for forfeiture, and further notice.
- 49. Recognizance for costs, when and when not to be given by complainant.
- 50. What allegations sufficient in describing sale or former conviction in action, warrant, information, and indictment.
- 51. Amendment of warrant, indictment, &c.
- 52. Duty of attorney-general in liquor appeals, and his fee taxed in costs.
- 53. Additional fees of justices and officers in liquor cases.
- 54. Payment for liquors illegally sold, how to be treated.
- 55. Liability of seller for injuries committed by purchaser intoxicated from sale.
- 56. Actions for liquors illegally sold or kept, not maintainable.

SECTION 1. No person shall at any time manufacture or sell, or suffer to be manufactured or sold, by any person, except for the purpose of exportation, or keep or suffer to be kept on his premises or possessions, or under his charge, for the purposes of sale, within this state, any ale, wine, rum, or other strong or malt liquors, or any mixed liquors, a part of which is ale, wine, rum, or other strong or malt liquors, unless as is hereinafter provided.

Prohibition of sale of wine, rum, and strong liquors, &c.

SEC. 2. The town councils of the several towns, and the boards of aldermen within the limits of the several cities, may grant or refuse to grant licenses, to such number, and so many persons within their respective town or city, for the sale of spirituous and intoxicating liquors within the limits of such town or city, as they may think proper. Each license so granted shall continue in force for the term of one year, unless revoked as is hereinafter provided; but no license granted under the provisions of this chapter shall authorize any per-

Licenses for sale of, when and how granted;

- son to sell any spirituous or intoxicating liquors on Sundays, or to any female, or minor, or person of notoriously intemperate habits. Before any license shall be granted under the provisions of this chapter, the person applying therefor shall give bonds to the town or city treasurer, in the penal sum of one thousand dollars, with at least two sureties satisfactory to the town council granting such license, conditioned that he will not violate any of the provisions of this chapter, and he shall also pay to the town or city treasurer a sum to be fixed by the council granting such license, of not less than two hundred dollars nor more than five hundred dollars, for such license, one half thereof to the use of the town or city where such license shall be granted, and the other half thereof to be paid by the town or city treasurer over to the general treasurer, for the use of the state.
- requisites for obtaining.** **SEC. 3.** Licenses may be granted at any time during the month of June in each year, after the fifteenth day thereof, to take effect on the first day of July next following.
- Time of granting licenses.** **SEC. 4.** No license for the sale of intoxicating liquors shall be granted by any town council, if, at any regular town meeting, such town shall vote not to grant any such.
- Towns can forbid licenses.** **SEC. 5.** No license shall be granted for the sale of intoxicating liquors in any place, except licensed taverns, where a dwelling-house or place used as a dwelling-house is connected therewith, unless access to such dwelling-house from within such licensed place is effectually closed; and if any such connection be made after such license is granted, said license shall thereby be rendered void.
- Places licensed (taverns excepted), not to be connected with dwelling-house.** **SEC. 6.** The price of the license shall be paid, and the license bond shall be given, within forty-eight hours from the time such license is to take effect.
- Time of payment of price of license, &c.** **SEC. 7.** The bonds required to be given under the provisions of section two of this chapter, shall be given to the town or city in which the license is granted.
- Bonds, to whom given.** **SEC. 8.** The board granting any license for the sale of intoxicating liquors, may permit such license to be used at any other place within the limits of the town or city where the same was granted than that which is named in the license, or, in their discretion, permit such license to be transferred to another person; but before any such permit shall be granted, or transfer shall be allowed, said board shall give public notice upon the application for such permit or assent to transfer, for at least seven days; but in all cases of transfer of licenses, or change of place of business, under the provisions of this chapter, a new bond shall be given, or the sureties in the bond first given for said license shall give their consent in writing, upon such bond, to the transfer of such license, or to the change of the place of business, as the case may be, and they shall be held and bound thereby for the fulfilment of the obligation of the said bond by the person to whom such license is transferred, or by the person to whom the license was granted, in the same way and to the same extent that they were bound for the fulfilment of the same by the person to whom the license was first granted, or at the place first occupied by such license.
- Transfer of license, when and how to be made.** **SEC. 9.** All licenses shall be in form of a written or printed certificate, stating the name of the person and place licensed, whether liquors are to be drunk upon the premises or not, whether they are to be manufactured or sold at wholesale or retail, the kinds of liquor to be sold, and the price paid for said license. They shall be signed in such manner as the board granting the same shall direct,
- Form of license;**

shall be kept posted by the person or firm licensed in a conspicuous position in the room or place where his or their sales are made, and shall be exhibited on demand, to any sheriff, deputy sheriff, town sergeant, constable, or officers or members of the town or city police.

where to be kept, &c.

SEC. 10. Licenses may be granted under the provisions of this chapter, and the sureties to be given upon the license bond may be approved before said bond shall be given, or the price of such license paid; but if the price of said license be not paid to the town or city treasurer, and the said license bond be not given, within forty-eight hours after the grant of such license, the officer having charge thereof shall withhold the same, and shall have no authority to issue the same thereafter, and the grant of such license shall be void.

Of bonds and sureties, effect of not giving.

SEC. 11. If any licensed person shall sell or suffer to be sold any intoxicating or spirituous liquors contrary to the provisions contained in this act, his bond shall be put in suit by the town or city treasurer of the town or city where such person obtained his license; and, by due process of law, the penal sum thereof be recovered for the use of such town or city. And if any such licensed person shall permit the house or place (which shall be described in the license) where he is licensed to sell liquors under the provisions of this act to become disorderly, so as to annoy and disturb the persons inhabiting or residing in the neighborhood thereof, or shall permit any gambling or unlawful gaming to be carried on therein, or shall knowingly permit any of the laws of the state to be violated thereat; in addition to any penalties which may be prescribed by statute for such offences, he may be summoned before the town council who granted such license, when the licensed persons and witnesses for and against him may be heard; and if it shall be made to appear, to the satisfaction of such council, that such licensed person has violated the provisions of this section of this chapter, then they may revoke his license, and such licensed person shall cease to have any authority thereunder.

Penalty for violation of conditions of license;

when license revocable.

SEC. 12. Every licensed person who shall sell or suffer to be sold to any minor, any intoxicating liquors, shall, upon conviction, pay a fine of one hundred dollars, and be imprisoned not less than thirty days, nor more than three months, and be thereafter, for the term of two years, made incapable of holding any license under this chapter.

Penalty for selling liquor to minors.

SEC. 13. Every person who shall forcibly eject from his premises any intoxicated person to whom he may have sold any intoxicating liquors, shall, upon conviction, be sentenced to pay a fine of twenty dollars, and shall thereafter, for the space of one year, be disqualified from holding any license under this chapter.

Penalty for ejecting intoxicated person, &c., from premises.

SEC. 14. In addition to the penalties hereinbefore, in chapters seventy-three and seventy-eight imposed, and hereinafter in this chapter imposed, every person convicted a second time of violating any of the provisions of chapters seventy-three and seventy-eight, and of this chapter, shall be imprisoned for a term not less than three months, nor more than one year.

Penalty for second conviction of certain offences.

SEC. 15. The town councils of the several towns may appoint special constables to enforce the laws of the state prohibiting or restraining the sale of intoxicating liquors, and to suppress the nuisances enumerated in chapter seventy-three.

Town councils may appoint special constables, &c.

SEC. 16. Special constables appointed under the provisions of the next preceding section shall have the like power and authority, within their respective towns, as is conferred in such cases upon the sheriffs

Powers of special constables.

of the several counties, and upon the chief of police of the city of Providence and the city marshal of the city of Newport.

State police,
who to consti-
tute; duties of.

SEC. 17. The sheriffs of the several counties, and their deputies, and the town sergeants and chiefs of police of the several towns and cities, shall constitute a state police; and it shall be their duty to see that the laws of the state are observed and enforced within their respective counties and towns, and it shall be their special duty to use their utmost endeavors to repress and prevent crime, by the suppression of all unlicensed liquor shops, gambling places, and houses of ill-fame, and they shall do so on request of any tax payer of any town or city, and may command aid in the execution of the authority herein conferred.

Power of cer-
tain officers to
seize liquors.

SEC. 18. Upon complaint in writing, upon probable cause, supported by oath or affirmation before a trial justice, or before the clerk of a justice court, within the proper county, and describing as nearly as may be the premises where liquors are held or kept for sale contrary to the provisions of this act, and things to be seized, it shall be the duty of the state police of the county where complaint is made; and the chief of police of the city of Providence, and the city marshal of the city of Newport, in their respective cities; whenever the evidence is such as in their judgment to justify an indictment of any person for keeping and maintaining any such common nuisance as is described in the several sections of chapter seventy-three, to seize all intoxicating liquors found on the premises, and hold the same until a trial can be had before a proper tribunal of the county wherein such seizure is made; and it shall be the duty of the attorney-general to present such person or persons at the next meeting of the court in said county, and proceed against him or them according to the usual forms of law; and upon conviction of any person of keeping and maintaining any nuisance described as aforesaid, all intoxicating liquor seized and held as aforesaid shall be forfeited to the state; and if no indictment shall be found against such person or persons at the next session, after such seizure, of the court in said county, or if upon a trial of any such indictment by said court, such person or persons shall be acquitted by the jury, then all such seized liquors shall be forthwith restored to the proper owner or owners thereof, by the officer seizing the same.

Proceedings in
case of seizure.

Fees for seiz-
ure.

SEC. 19. There shall be allowed and paid for every seizure made under the foregoing provisions, the sum of five dollars, with three dollars additional for each day after the first the officer making such seizure is necessarily employed in causing the liquors seized to be condemned, and twenty cents per mile for each mile which he may necessarily travel in making such seizure, and in causing the liquors seized to be condemned and sold, which shall be in full for all of his fees in executing the provisions of said act; and which is hereby made taxable in the bill of costs to be taxed in such cases.

Accounts of of-
ficers, how
verified and
paid.

SEC. 20. The accounts of the said officers shall be verified by the affidavits of said sheriffs, approved by the state auditor, and by him paid out of any money in the treasury not otherwise appropriated.

Limitation of
powers grant-
ed, &c.

SEC. 21. Nothing in this chapter conferring these especial police powers upon the sheriffs aforesaid, shall be construed as applying to the ordinary service of civil process.

Sheriffs to re-
ceive copies of
this chapter,
&c.

SEC. 22. The secretary of state shall furnish each of the sheriffs aforesaid with printed copies of this chapter, and also of all statutes and city ordinances regulating the powers to be exercised by police officers of the cities of Providence and Newport.

SEC. 23. The sheriff of each county may appoint a deputy, or may designate one of his deputies appointed to discharge the duties imposed upon him under the laws restraining or prohibiting the sale of intoxicating liquors, and for the suppression of certain nuisances, under the provisions of this chapter, which deputy shall have all the powers, and hereby is directed to discharge all the duties, imposed upon the sheriff by the provisions of this chapter.

Sheriff may appoint deputy; his powers and duties.

SEC. 24. The treasurer of every town shall, on the first days of June and of January in each year, make returns to the general treasurer of all moneys coming to his hands, belonging to the state, received under the provisions of this chapter, and under any and every other act of the general assembly, which return shall embrace all moneys not previously returned or accounted for to the general treasurer, and the names of the persons from whom received, the account upon which the same were received, and the amount received from each person.

State moneys received, &c., to be returned by town treasurer to general treasurer.

SEC. 25. If any person shall, at any time, sell, or suffer to be sold by any person, any ale, wine, rum, or other strong or malt liquors, or any mixed liquors, as aforesaid, in violation of the preceding sections of this chapter or any of them, he shall be sentenced on the first conviction, to pay the sum of twenty dollars and all costs of prosecution and conviction, and be imprisoned in the county jail for ten days; on the second conviction he shall be sentenced to pay the sum of twenty dollars and all costs of prosecution and conviction, and be imprisoned in the county jail three calendar months; and on the third and every subsequent conviction he shall be sentenced to pay the sum of twenty dollars and all costs of prosecution and conviction, and be imprisoned in the county jail not less than three months nor more than six calendar months.

Penalty for selling liquor.

SEC. 26. If any person shall keep or suffer to be kept on his premises or possessions, or under his charge, for the purposes of sale, in violation of the preceding sections of this chapter or any of them, any ale, wine, rum, or other strong or malt liquors, or any mixed liquors as aforesaid, he shall, on conviction, be fined twenty dollars, or be imprisoned in the county jail thirty days.

Penalty for keeping liquor for sale.

SEC. 27. Every person who shall bring into this state, or who shall convey from place to place within the same, any such liquor, with intent to sell the same himself, or to have the same sold by another, or having reasonable cause to believe that the same is intended to be sold by any other person, in violation of the provisions of this chapter, shall be fined twenty dollars.

Penalty for bringing into, or carrying in state, liquor for sale.

SEC. 28. Every expressman, common carrier, or other person, who shall, for the purpose of carrying to any other person, receive any such liquor which has been sold, or is intended for sale, in violation of this chapter, he having reasonable cause to believe that the same has been, or is intended to be so sold, shall be fined twenty dollars, and may be prosecuted therefor in the town where such liquor may have been received, or in any town through or into which it may have been carried.

Penalty on expressmen, &c., for receiving liquor sold, &c.

SEC. 29. Every person having authority from any railroad company to receive goods to be transported by such company, who shall receive any spirituous or intoxicating liquor which has been sold or is intended for sale in violation of this chapter, for the purpose of having the same transported on such railroad, and having reasonable cause to believe that the same has been so sold or is so intended for sale, shall be fined twenty dollars.

Penalty on agents of railroads for receiving such liquor.

Fines, how to enure;

SEC. 30. All fines recovered under the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth sections of this chapter, shall enure, one half to the use of the state, and the other half to the complainant; and in all such complaints, judgment rendered upon a subsequent complaint, for the same offence, shall be no bar, or prevent judgment upon the merits being rendered on any prior complaint, and the pendency of the former complaint may be pleaded in bar of the second complaint.

Appeal from justice court.

SEC. 31. Any person convicted before a justice court of any offence under the sections just mentioned may appeal from the sentence of the justice court to the court of common pleas, next to be holden in the same county, after ten days: *Provided*, such appeal be prayed at the time of passing sentence.

Recognizance to be given on appeal, and how certified.

SEC. 32. Upon such prayer of appeal the appellant shall be required to give recognizance, in the sum of one hundred dollars, with good and sufficient sureties, in every case so appealed, with condition that he will file his reasons of appeal, together with a copy of the whole case, in the court appealed to, on or before the second day of the term thereof, that he will appear before said court, and there prosecute his appeal with effect, and abide or perform the order or sentence of said court in said case, and that he will not, during the pendency of such appeal, violate any of the provisions of this chapter; which recognizance such justice court shall forthwith certify to said court of common pleas, and such appellant shall also be required at the time of taking such appeal to pay to the justice court all costs of his prosecution and conviction, to be taxed by such justice court, including therein three dollars as the complainant's counsel fee, which fee it shall be the duty of such justice court to pay over to the complainant upon final conviction of the defendant, or, in case of his acquittal in the appellate court, to return to the person acquitted.

Of neglect to give recognizance.

SEC. 33. Upon neglect of the appellant to give such recognizance, or, when required as aforesaid, to pay costs, he shall forthwith be committed to the jail in the same county, there to remain until he give such recognizance, and pay such costs, or be discharged by order of law.

Witnesses, when to give recognizance upon appeal.

SEC. 34. In case of such appeal, the justice court shall, upon motion either of the complainant or defendant, require any witness sworn to enter into recognizance, in the sum of fifty dollars, with condition, that he will appear at the appellate court, to testify in the trial of the appeal, whenever said appeal shall be called for trial.

Penalty upon manufacturer or common seller of liquor.

SEC. 35. Every person who shall, contrary to the provisions of this chapter, manufacture any ale, wine, rum, or other strong or malt or mixed liquors, or become a common seller thereof, shall, upon his first conviction, be fined one hundred dollars and costs of prosecution, and in default of the payment thereof, be imprisoned sixty days in the jail of the county in which the offence was committed: and on the second, and on every subsequent conviction, shall be fined two hundred dollars and costs of prosecution and conviction, and shall be imprisoned four months in said county jail: said fines when recovered to enure, one half to the use of the town in which the offence shall have been committed, and the other half to the use of the state.

Common seller defined.

SEC. 36. Three several sales of ale, wine, rum, or other strong or malt liquors, or mixed liquors as aforesaid, made or suffered to be made by an individual, either to different persons or to the same person, shall be sufficient to constitute such individual a common seller within the meaning of the next preceding section; and an indictment charging a person as a common seller shall be held to be fully sus-

tained by proof that he has been twice convicted of a violation of the twenty-fifth section of this chapter, and proof that he has again violated it within six months next succeeding his last conviction.

SEC. 37. Nothing hereinbefore contained shall be construed to prohibit the manufacture of cider, or the sale thereof in quantities not less than one gallon, or the manufacture of wine or malt liquors for domestic use, or of alcohol for exportation and sale out of the state, or to be sold to or through, and only to or through, the agents of towns or cities, appointed conformably to the provisions of this chapter.

Cider, &c.,
manufactured
for domestic
use, excepted.

SEC. 38. Nothing contained in this chapter shall be construed to apply to the domestic manufacture of wine from currants or of grapes grown within this state, or of the sale thereof in quantities not less than one gallon.

Domestic man-
ufacture, &c.,
of wine from
currants, &c.,
excepted.

SEC. 39. Every railroad company, which shall allow liquors which have been or are intended to be sold within this state, contrary to law, to be transported over any portion of its road, shall be fined fifty dollars; the indictment to be found, tried, and proceeded with, either in the county in which such liquors may have been received, or into which they may have been carried by such company.

Penalty on rail-
roads for ille-
gally transport-
ing liquor.

SEC. 40. Every mayor, alderman, city marshal, or assistant marshal, police officer, constable, town sergeant, or watchman, in his city or town, and every sheriff, or deputy sheriff, in his county, may, without a warrant, seize and detain any spirituous or intoxicating liquors, and the vessels containing the same, other than those described in the thirty-seventh and thirty-eighth sections of this chapter, and within the protection of these sections, which he may find in any steamboat, vessel, or other craft, or in any vehicle of any kind, or in any open place, or any tent, shanty, hut, or place of any kind for selling refreshments in any public place on or near the ground of any cattle-show, agricultural exhibition, military muster, or public occasion of any kind; and may convey the said liquors and the vessels containing the same to some proper place of security, and there keep the same, until said liquors can be proceeded against as hereinafter provided.

Power of cer-
tain officers to
seize liquors
illegally kept.

SEC. 41. If any three persons, being legal voters in any town, shall, before any trial justice or clerk of a justice court within the town or district in which such court is established, make complaint in writing under oath or affirmation, that any spirituous or intoxicating liquor other than such as is described in the thirty-seventh and thirty-eighth sections of this chapter, and within the protection of those sections, is kept or deposited in any place, town, or district, or in any vessel or craft in any of the waters of Narragansett Bay, such justice or clerk may issue a search-warrant for the purpose of searching for such spirituous and intoxicating liquors.

Of warrant of
search for
liquors, and
complaint for
same.

SEC. 42. Such search-warrant shall be served in the daytime only, and shall describe as nearly as may be the place to be searched, and the liquors and vessels containing the same, to be seized; and all such liquors, together with the cask, or other vessels in which the same are contained, and which shall be found by any officer in executing any such search-warrant, shall be taken and kept by such officer in some proper place of security until they can be proceeded against in manner hereinafter provided; and the warrant shall be returned by said officer, with his doings thereon, as soon as may be, to the justice court having jurisdiction of the same, in the town or district where such liquors shall have been seized.

Of service and
return of war-
rant.

Of complaint for search of dwelling-house.

SEC. 43. If the place to be searched be a dwelling-house, used and occupied exclusively as such, and no tavern, store, or grocery, eating-room, or place of common resort be kept therein, such warrant shall not be issued, unless one of said complainants shall make oath or affirmation that he has reason to believe and does believe, that spirituous or intoxicating liquor has been sold in such dwelling-house, or taken therefrom for the purpose of being sold, by the occupant thereof, or by his consent or allowance, contrary to law, within one month next before making such complaint, and is then kept therein for sale contrary to law; and shall, under oath or affirmation, state the facts and circumstances on which such belief is founded; and such allegation shall be recited in the complaint and warrant.

Officer seizing to prosecute for forfeiture.

SEC. 44. The officer making the seizure of such liquors, whether with or without a search-warrant, as aforesaid, or the officer directing such seizure, shall forthwith proceed to prosecute for the forfeiture thereof to the state, in the manner by law provided in case of other forfeitures of personal property.

Of judgment of forfeiture.

SEC. 45. If the cause of forfeiture be proved, the court before whom the complaint or affirmation shall be tried shall enter up judgment that the said liquors, and the casks or other vessels containing the same, are forfeited to the state, which judgment shall be the judgment from which any appeal must be taken.

Forfeited liquors to be inspected.

SEC. 46. Upon entry of judgment of forfeiture against such liquors, if no appeal can be had or be prayed, the court shall forthwith appoint some suitable person or persons to inspect said liquors, who shall make such inspection as soon as may be, and report to the court the condition and quality of such liquors, and whether any portion thereof, and what portions, are fit to be sold for any lawful use.

How disposed of.

SEC. 47. Upon such report, the court shall issue to the officer having such forfeited liquors in custody, or to some other proper officer, an order in writing, authorizing him to sell or to deliver the liquors named in such order, to any lawful agent within the state; and in case such forfeited liquors shall be sold by the officer, in pursuance of such order, said officer shall account for the net proceeds of such sales to the state auditor, and pay the same unto the general treasurer; and in case such forfeited liquors shall be delivered to such agent by the said officer in accordance with the above mentioned order, such agent shall receive said liquors and vessels, and shall sell the same in the course of his agency, and account for the net proceeds thereof to the state auditor, and pay the same into the general treasury; and said court shall also issue an order in writing to such officer, commanding him to destroy forthwith such portions of said liquors as shall not be fit to be sold for any lawful use; and every such officer shall execute said orders, and shall return the same, with his doings thereon endorsed, to said court, within such time as said court shall direct.

Of amendment of process for forfeiture.

SEC. 48. Whenever, in such proceedings for forfeiture, it shall appear to the court that there has been any irregularity in the service of any process issuing upon the complaint or information, or any omission to publish the notices required, or any defect or omission in the complaint or information, or in the citation or notice, or in the service thereof, or in any other part of the record, the court or justice may permit the same to be amended, and direct such further service of process or publication of notice, as will, in the judgment of such court, be most effectual.

Recognizance for costs by complainant,

SEC. 49. No officer of the law complaining on account of the violation of any of the provisions of this chapter, and no person so

complaining, who, at the time of making his complaint, shall waive in favor of the state his proportion of any fine to which he may be entitled under the same, shall be required, at the time of complaint, to enter into recognizance, or in any way to become liable, for the costs that may accrue thereon. In other cases of complaints under this chapter, where the complainant is entitled to the whole or any portion of the fine, he shall, upon making his complaint, enter into the usual recognizance for costs.

when required, and when not.

SEC. 50. In any action, complaint, and warrant, information, indictment, or other proceeding, against any person for a violation of any of the provisions of this chapter, it shall not be necessary to set forth the kind or quantity of ale, wine, rum, or other strong or malt liquors, or mixed liquors, as aforesaid, or the time of the sale or manufacture thereof; but proof of the violation of any of the provisions of this chapter, the substance of which is briefly set forth therein, within the times mentioned therein, by the person complained of, shall be sufficient to convict such person; nor shall it be requisite in any such action, complaint, and warrant, indictment or other proceeding, to set forth a record of a former conviction, or any allegation of any such conviction, but any such conviction may be proved in the same manner, and with the same effect, as if an allegation thereof had been made.

What allegations sufficient in proceedings for violation of this chapter.

SEC. 51. Any defects in any such complaint and warrant, indictment, information, or other proceeding, either of form or substance, may be amended by the court before whom the action, complaint, and warrant, indictment, information or other proceeding, is originally brought, or may be pending.

Defects, in complaint, &c., amendable.

SEC. 52. All cases of appeal, under the provisions of this chapter, from the judgment or sentence of a justice court, and all informations and questions arising under the same, or under any complaint and warrant filed or made under the provisions of this chapter, shall, in the court of common pleas, or in the supreme court, be conducted and argued by the attorney-general, in behalf of the state; and in every such case in said courts, in which the appellant or defendant, or person answering any information or complaint, shall be required to pay costs, the sum of six dollars shall be taxed in the bill of costs for the services of the attorney-general; for which sum, the clerk of said court, or other officer to whom such costs may be paid, shall account; and no costs in any such case shall be remitted or reduced.

Duty of attorney-general in liquor appeals:

his fee to be taxed in costs.

SEC. 53. In addition to the fees now allowed by law, the justice court shall be entitled to receive for taking any bond under the provisions of this chapter, the sum of fifty cents; every officer required thereby to complain or inform against any liquors seized under the same shall be entitled to be allowed three dollars for so complaining or informing; and no entry in the court of common pleas shall be charged or paid on any such information; the officer serving the warrant or process of seizure of any liquors shall be allowed for the same, one dollar; and for removing of any liquors so seized, to a place of safety, all expenses by him incurred in the removal, care, and custody of said liquors, and the sum of one dollar: said fees shall be included in the bill of costs and taxed against the defendant.

Additional fees of justices and officers, in liquor cases.

SEC. 54. All payments or compensations for liquors sold in violation of law, whether in money, labor, or personal property, shall be held and considered, as between the parties to such sale, to have been received in violation of law, without consideration, and against equity and good conscience: and in any action either at law or in equity

Payments for liquors illegally sold, how to be treated.

touching such money, labor, or personal estate, the purchaser, and also the seller of such liquors, may be a witness for either party, and although a party to such action.

Seller liable for injuries done by intoxicated purchaser.

SEC. 55. If any person not authorized under this chapter shall sell any ale, wine, rum, or other strong or malt liquors, or mixed liquors as aforesaid to any person, he shall be liable for all injuries which such person may commit while in a state of intoxication arising from drinking the liquors sold as aforesaid, in an action on the case in favor of the person injured.

Action for liquors illegally sold, &c., not maintainable.

SEC. 56. No action of any kind shall be had or maintained in any court of this state, for the possession or value of any liquors held, purchased, or sold, contrary to the provisions of this chapter.

CHAPTER 80.

OF SHOWS AND EXHIBITIONS.

SECTION

1. Shows, &c., not to be exhibited without license.
2. Town councils may license such exhibitions.
3. Constables may be appointed to attend such exhibitions.
4. Penalty for giving, &c., such exhibitions without license.

SECTION

5. Persons licensed, what sum to pay for license.
6. Money received for licenses, how to be paid.
7. Penalty for setting up, &c., without license, certain exhibitions where liquor is sold.
8. Penalty for setting up, &c., masked balls, without license.

Shows, &c., not to be exhibited without license.

SECTION 1. No person shall publicly, or for pay, or for any profit or advantage to himself, exhibit or promote, or take part in, any theatrical performance, or rope or wire dancing, or other show or performance, or conduct, engage in, or promote any wrestling, boxing, or sparring match or exhibition, without a license from the town council of the town in which such exhibition or performance may be given.

Town councils may license such exhibition.

SEC. 2. Whenever any such exhibition or performance shall be desired to be given in any town, the town council thereof may license the same for such term not exceeding one year, and subject to such regulations and restrictions as they may prescribe.

May appoint constables to attend same.

SEC. 3. Such town council may appoint constables or other proper officers, at the expense of the person so licensed, to attend any such exhibition or performance, whose duty it shall be to preserve order, and to execute the orders of said council.

Penalty for giving, &c., such exhibitions without license.

SEC. 4. Every person who shall violate any of the provisions of the first section of this chapter shall forfeit two hundred dollars for each offence; and every person who shall knowingly permit any such violation of any of the provisions of said section, in any house, building, room, or hall, belonging to him or under his control, shall forfeit fifty dollars for each offence.

What amount to be paid for license.

SEC. 5. Such town council shall demand and receive of every person to whom a license shall be granted under the first and second sections of this chapter, such sum as such council shall deem proper,

not exceeding one hundred dollars, nor less than one dollar, for any single exhibition or performance.

SEC. 6. All sums received for licenses as aforesaid shall be paid, one half thereof to the town treasurer, for the use of the town, and the other half thereof to the general treasurer, for the use of the state.

Disposition of license money.

SEC. 7. Whoever offers to view, sets up, sets on foot, maintains, or carries on a theatrical exhibition, public show, concert or dance-hall exhibition of any description, at which lager beer, or other intoxicating liquors are sold, or exposed for sale, with the consent of those who get up, set on foot, or otherwise promote such exhibitions or shows, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, unless such exhibition or show has been first duly licensed by the proper authorities of the town or city where such exhibition or show is set up or offered to view.

Penalty for setting up, &c., without license, certain exhibitions where liquor is sold.

SEC. 8. Whoever gets up, sets on foot, causes to be published, or otherwise aids in getting up and promoting, any masked ball or other public assembly, at which the company wear masks or other disguises, and to which admission is obtained upon payment of money or the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, without first having obtained from the town council of the town, or board of aldermen of the city, where such exhibition or other public assembly is to be had, a license or permission therefor, shall, for the first offence, be punished by fine not exceeding five hundred dollars; and for any subsequent offence, by imprisonment in the jail or house of correction not exceeding one year.

Penalty for setting up, &c., masked balls, without license.

CHAPTER 81.

OF BOWLING ALLEYS, BILLIARD TABLES, AND SHOOTING GALLERIES.

SECTION

1. Bowling alleys in compact parts of towns, except Providence, prohibited under penalty.
2. Pistol or rifle gallery in compact part of Newport prohibited; penalty.
3. Town council to define limits.
4. Penalty for neglect to comply with orders of town councils.
5. Owner of premises deemed keeper of bowling alley or billiard table.
6. Regulations relating to bowling alleys in Providence.

SECTION

7. Town councils may collect tax for keeping bagatelle tables.
8. Town councils to collect tax for keeping billiard tables, bowling alleys, pistol galleries, &c.
9. Tax, of whom to be collected.
10. How collected and appropriated.
11. Billiard and bagatelle tables, not to be kept for public use, unless licensed.
12. Price of license, how fixed, and disposition of.
13. Penalty for keeping or using such tables without a license.

SECTION 1. Every person who shall keep a bowling alley in the compact part of any town, except the city of Providence, shall be fined two hundred dollars for the first offence, and five hundred dollars for the second offence.

Bowling alleys, where prohibited.

Pistol or rifle gallery in compact part of Newport, prohibited; penalty.

SEC. 2. Every person who shall keep any pistol-gallery, rifle-gallery, or other building or other enclosure where fire-arms are used for practising in firing with ball or shot, in the compact part of the city of Newport, shall be fined two hundred dollars for the first offence, and five hundred dollars for each subsequent offence.

Town council to define limits, &c.

SEC. 3. The town council of each town shall define the limits of the compact part of such town; which limits shall be taken and deemed to comprehend the compact part of such town, within the meaning of this chapter.

Penalty for violating orders of.

SEC. 4. The keeper of any bowling alley or billiard table who shall refuse or neglect to comply with an order or decree relating thereto which any town council shall be authorized to make, shall be fined fifty dollars.

Owner of premises deemed keeper.

SEC. 5. The owner or occupier of the premises on which any bowling alley or billiard table is situated, shall be deemed and taken as the keeper of such bowling alley or billiard table, within the meaning of the provisions of this chapter.

Regulations relating to bowling alleys in Providence.

SEC. 6. The board of aldermen of the city of Providence may regulate bowling alleys in said city, and make orders as to the manner of building the same, and the hours during which they may be used; and in case of any such order being disobeyed, they may issue their warrant, directed to the city sergeant or to any constable, commanding him to take up and destroy any bowling alley which may be kept in violation of any such order; and any city sergeant or constable to whom any such warrant may be delivered shall forthwith execute the same.

Town councils may tax bagatelle tables.

SEC. 7. The town council of each town may assess, levy, and collect a tax not exceeding one hundred dollars, nor less than twenty-five dollars per annum, on every person who shall own or keep a bagatelle table for public use or profit in such town, for each bagatelle table by him kept.

To collect tax for keeping billiard tables, bowling alleys, pistol galleries, &c.

SEC. 8. The town council of each town shall assess, levy, and collect a tax not exceeding five hundred dollars, nor less than twenty-five dollars per annum, on every person who shall own or keep a billiard table for public use and profit in such town, for each billiard table by him kept; and a tax not exceeding twenty-five dollars, nor less than five dollars per annum, on every person who shall own or keep a bowling alley in such town except in the city of Providence, for each bowling alley by him kept; and a tax not exceeding two hundred dollars per annum, on every person who shall own or keep a bowling alley in said city of Providence, for each bowling alley by him kept; and a tax not exceeding two hundred dollars per annum, on every person who shall own or keep a pistol-gallery, rifle-gallery, or other building or enclosure referred to in the second section of this chapter.

Tax, of whom may be collected.

SEC. 9. The town council may assess, levy, and collect the tax aforesaid, for any billiard table or bowling alley, of any person who shall own or occupy the house or building in which such billiard table or bowling alley shall be kept.

How collected and appropriated.

SEC. 10. Such taxes shall be collected in the manner prescribed for the collection of town taxes, and appropriated, the one half thereof to the use of the town in which such tax shall be collected, and the other half to the use of the state.

Billiard and bagatelle tables kept for public use, to be licensed.

SEC. 11. No person shall own or keep a billiard table, or bagatelle table, for public use or profit within this state, without a license from the town council or board of aldermen of the town or city where the

same is so kept or owned, first had and obtained, and such town council or board of aldermen may, in their discretion, grant or refuse to grant licenses therefor, to such person or persons as they may think proper. Each license so granted shall continue in force for such length of time as said town council or board of aldermen shall in each case direct, said length of time, in any case, not to exceed one year from the time the said license is granted.

SEC. 12. Every person taking such license shall pay to the town or city treasurer, of the town or city granting, such license, a sum to be fixed by the town council or board of aldermen granting such license, of not less than twenty-five dollars, nor more than two hundred dollars, one half thereof to the use of said town or city, and the other half thereof to be paid by said town or city treasurer to the general treasurer, for the use of the state.

Price of license, how fixed, and disposition of.

SEC. 13. Every person who shall own, keep, or use any such billiard table or bagatelle table, without such license first had and obtained, shall be fined a sum not less than one hundred dollars, nor more than two hundred dollars, for every offence.

Penalty for keeping or using such tables without license.

CHAPTER 82.

OF FIRE-ARMS AND FIRE-WORKS.

SECTION

1. Penalty for firing of rifle, gun, &c., across road, street, square, or lane.
2. Penalty for making bonfire in such places, without permission.
3. Penalty for the discharge of fire-arms within certain limits.
4. Penalty for selling or using fire-works without license.

SECTION

5. Penalty for discharging fire-arms between sunset and sunrise.
6. Complaints, within what time to be made.
7. Penalty for shooting across land of another on Sunday.
8. Complaints, within what time to be made.

SECTION 1. If any person shall fire any rifle, gun, musket, blunderbuss, or pistol, in or across any road, street, square, or lane, he shall be fined not less than three dollars, nor more than twenty dollars.

Penalty for firing rifle, gun, &c., across road, &c.

SEC. 2. If any person shall make a bonfire in any public street, road, square, or lane, without special permission from the town council of the town in which the same shall be made, he shall be fined not exceeding ten dollars.

Penalty for making bonfire in street, &c.

SEC. 3. If any person shall fire any rifle, musket, fowling-piece, pistol, or other small arms, not being at the time under military duty, on any other day of the week than Sunday, except upon land owned or occupied by him, or by permission of the owner or occupant of the land on or into which he may shoot, within the following limits, viz. : the city of Providence, excepting the public waters and the public rivers therein ; such parts of the towns of Cranston and Johnston as are contained within the following limits, to wit: beginning on the Pawtuxet road, at the Providence line ; thence running southerly on said Pawtuxet road until it comes to the cross-road leading to

Penalty for the discharge of fire-arms within certain limits.

the Cranston road ; thence northerly and westerly with said cross-road and Cranston road until it comes to the road which leads over Rockyhill to Plainfield Street ; thence running westerly and northerly with said street and Manton road, to Manton Bridge ; thence easterly with the Wonasquatucket River until it comes to the line of Providence, to the place of beginning ; or on land within one mile from the state-house in the town of Bristol ; and within the towns of North Providence and Pawtucket ; he shall be fined five dollars for the first offence, and ten dollars for every subsequent offence.

Penalty for selling or using fire-works without license.

SEC. 4. If any person shall sell, offer for sale, enkindle or use, or suffer to be sold, offered for sale, enkindled or used, by his wife, children, or servants, or other persons whomsoever, any rocket, cracker, squib, or other fire-works of a combustible nature ordinarily used for exhibition or amusement, unless he shall previously obtain special license from the town council of the town, and for the purpose of exhibition on a suitable occasion, he shall be fined ten dollars for each offence.

Penalty for discharging fire-arms between sunset and sunrise.

SEC. 5. If any person shall fire any gun, rifle, musket, or blunderbuss, in any road, street, lane, or tavern, or other public house, after sun setting and before sun rising, he shall be fined five dollars for the first offence, and seven dollars for every subsequent offence.

Limitation of time of complaints.

SEC. 6. No complaint for a violation of any of the provisions of the preceding sections of this chapter shall be sustained, unless the same shall be brought within thirty days after the commission of the offence, and all fines for such violations shall enure, one half thereof to the complainant, and the other half to the state.

Penalty for shooting across land on Sunday.

SEC. 7. Every person shooting on or firing across any land on Sunday, not being on military duty, shall forfeit and pay to the owner or occupant thereof ten dollars, in addition to the damages sustained.

Limitation of time of complaints.

SEC. 8. All actions for the violation of the next preceding section shall be commenced within ninety days from the commission of the offence.

CHAPTER 83.

OF DOGS.

SECTION

1. City and town councils may make ordinances concerning dogs.
2. Town councils may impose a tax on the owners of dogs ; and make laws to prevent damage to sheep and cattle.
3. Owners of dogs liable for damage done to sheep and cattle.
4. Dogs to wear collars with owners' names thereon.
5. Persons harboring dogs, liable for damages done by them.
6. When any person may kill a dog.
7. Dangerous dog, to be confined by owner or killed ; after notice,

SECTION

- any person may kill ; owner liable for damage done after notice.
8. Dogs to be registered and licensed ; dogs not licensed may be killed.
9. Saving of ordinances hitherto passed.
10. New Shoreham exempted from provisions of sections 4, 5, and 8.
11. Dogs to be registered, licensed, &c., in April ; fees therefor.
12. Dogs may be registered, licensed, &c., in May ; fees therefor.
13. Owners to have dogs licensed, &c.

SECTION

- within thirty days from commencement of ownership.
- 14. Clerk to issue license; treasurer to keep account.
- 15. Town sergeants and constables to post lists, &c.
- 16. Enforcement of sections of this chapter following section ten, optional with New Shoreham.
- 17. Penalty for keeping or harboring a dog contrary to the provisions of this chapter; duty of special constable.
- 18. Dogs may be killed when not licensed, &c.
- 19. Penalty for removing collar or stealing dog.
- 20. Town and city councils to appoint appraisers of damages done by dogs; mode of appraising dam-

SECTION

- age; persons suffering damage, how paid.
- 21. Owner of dog liable for damages done, &c.
- 22. Penalty on officers for neglect to perform duty.
- 23. Town and city councils to inquire and report whether officers have performed their duties.
- 24. Saving of complaints made subsequent to July.
- 25. Town clerks to post up notices, annually.
- 26. Appraisers may require claimants of damages to be sworn and examined.
- 27. Defects in proceedings amendable.
- 28. Money received for licenses to go to school fund.

SECTION 1. The city council of any city, and the town council of any town, may make such ordinances concerning dogs in their respective cities and towns, as they shall deem expedient; to be enforced by the destruction of the animal, or by pecuniary penalties not exceeding five dollars, to be recovered by action of debt, or by complaint and warrant, to such use as such city council or town council may prescribe.

City and town councils may make ordinances concerning dogs.

SEC. 2. The town council of any town may impose such yearly tax upon every person in their town who shall own or keep any dog, for every dog owned or kept, as they shall judge proper; and also make such laws to prevent damage being done to sheep and cattle, as they may deem necessary.

Town councils may tax owner; protect sheep and cattle.

SEC. 3. Whenever any person shall have any sheep, cattle, horses, dogs, or fowls, worried, torn, or killed by any dog, he shall recover his damages against the owner of such dog, in an action on the case, with costs of suit; and if afterwards any damage be done by such dog to any sheep or cattle, the owner of such dog shall pay to the party aggrieved double the damages; to be recovered in manner as aforesaid; and an order shall be made by the court before whom such second recovery shall be had, for killing such dog, which order shall be executed by the officer who shall be charged with the execution thereof.

Owners of dogs liable for damages done to sheep and cattle.

SEC. 4. Every owner or keeper of a dog shall cause such dog to wear around its neck a collar with the owner's or keeper's name, or the initials thereof, distinctly marked thereon; and any person may kill, or cause to be killed, anywhere out of the enclosure of its owner or keeper, any dog not so collared.

Dogs to wear collars.

SEC. 5. Every person keeping or harboring in his house, or on his lands, any dog, or knowingly suffering the same to be done by any other person, shall be liable for all damages done by said dog, in the same manner as if he were the owner thereof.

Persons harboring, liable for damages done by dogs.

SEC. 6. Any person may kill any dog that may suddenly assault him, or any person of his family or in his company, while the person assaulted is anywhere peaceably out of the enclosure of the owner or keeper of such dog; and any person may kill any dog that may be

When any person may kill a dog.

found, out of the enclosure of its owner or keeper, worrying, wounding, or killing any neat-cattle, sheep, lamb, horse, hog, or fowl, not the property of its owner.

Dangerous dog, to be confined or killed;

SEC. 7. If any person, or any member of such person's family, shall be assaulted by any dog, out of the enclosure of its owner or keeper, or if any person shall have reason to believe that any dog will, out of such enclosure, probably do any injury to his person, family, or property, and shall make complaint, under oath, thereof, to any trial justice, or to the clerk of a justice court, in the county, such justice or clerk shall issue a summons to the owner or keeper of such dog, to appear before the justice court, having jurisdiction of the case; and if, on examination, the justice court shall believe that such assault is proved, or that the complainant has reasonable grounds for his fears, it shall so adjudge, and shall give written notice thereof to the owner or keeper, and such owner or keeper shall forthwith confine or kill said dog; and if he neglect to kill him or keep him confined, he shall forfeit the sum of ten dollars, to be recovered to the use of the town, and thereafter any person may kill said dog. And if, after such notice, such dog shall wound or injure any person, or shall, elsewhere than on its owner's or keeper's premises, worry, wound, or kill any neat-cattle, sheep or lamb, geese or fowl, or do any other mischief, the owner or keeper shall be liable to pay to the person injured treble damages therefor, with costs. And in all cases of complaints, under this section, recognizance shall be given for costs, and the fees and costs shall be the same as in other cases of complaints before justice courts.

after notice, any person may kill; owner liable for damage done thereafter.

Dogs to be registered and licensed;

SEC. 8. Every owner or keeper of a dog shall cause a particular description of such dog, embracing all the natural and artificial or accidental marks of such dog, to be registered in the town clerk's office of the town where he resides, in a book to be kept for that purpose, and shall pay to the town clerk fifteen cents for his fees for every such registry; and any person may kill, or cause to be killed, any dog going at large not so registered; and whenever the description or marks of any dog are substantially changed, he shall be registered anew.

going at large not licensed, may be killed.

Saving of ordinances hitherto passed.

SEC. 9. Nothing in this chapter shall be so construed as to repeal any ordinances concerning dogs, not inconsistent with the provisions hereof, which have heretofore been passed by the town councils of the several towns, or the city councils of any cities.

Exemption of New Shoreham.

SEC. 10. The town of New Shoreham shall be exempted from the provisions of sections four, five, and eight of this chapter.

Dogs to be licensed, &c., in April;

SEC. 11. Every owner or keeper of a dog, of what age soever, shall annually, in the month of April, cause such dog to be registered, numbered, described, and licensed, from the first day of the ensuing June, in the office of the clerk of the city or town wherein he resides; and shall cause it to wear a collar around its neck, distinctly marked with its owner's name, and with its registered number; and shall pay to such clerk, for such license, one dollar and fifteen cents for a male dog, and five dollars and fifteen cents for a female dog; and all licenses granted under the provisions of this chapter shall be valid in every town during the then current year.

fees therefor.

Can be licensed &c., in May; fees therefor.

SEC. 12. Every owner or keeper of a dog of what age soever, may, in the month of May in any year, have such dog licensed as aforesaid, upon paying to such clerk two dollars and fifteen cents for a male dog, and six dollars and fifteen cents for a female dog.

SEC. 13. Every person who shall become the owner or possessor

of a dog, of what age soever, after the last day in May in each year, and prior to the first day of April following, shall cause the same to be registered, numbered, collared, and licensed, within thirty days after he becomes such owner or possessor, upon the payment of one dollar and fifteen cents for a male dog, and five dollars and fifteen cents for a female dog.

To be licensed, &c., within thirty days after ownership.

SEC. 14. The clerk shall issue the license and receive the money therefor, and pay the same into the treasury of the town or city, retaining therefrom, for his own use, fifteen cents for each license; and the treasurer shall keep a separate account of all sums received and paid out by him, under the provisions of this chapter.

Clerk to issue license; treasurer to keep account.

SEC. 15. The town sergeant of every town, and such special constables as the town council of each town may appoint annually in the month of April, shall ascertain and make a list of the owners or keepers of dogs in such town or city, and return such list to the clerk on or before the last day of May, who shall receive from the town treasury the sum of twenty cents for each dog so listed; and the clerk shall, within two weeks thereafter, furnish to the town sergeant, and to each special constable so appointed and sworn, a list of all dogs licensed for the current year, and a list of those not licensed, with the name of the owner or keeper thereof, and shall also post such lists in at least three public places in the town or city, or publish the same in such other manner, as the town or city council may direct.

Town sergeants and constables to post lists, &c.

SEC. 16. The town of New Shoreham, at its annual meeting, may decide whether the provisions provided for in the sections of this chapter following section ten shall or shall not be enforced in the said New Shoreham.

New Shoreham to enforce, or not, certain sections.

SEC. 17. Whoever keeps or harbors a dog, of what age soever, contrary to the provisions of this chapter, shall be fined ten dollars, to be recovered by complaint and warrant, one half thereof to the use of the complainant, and one half thereof to the use of the school fund of the town or city wherein such dog is kept; and it shall be the duty of the special constable so appointed and sworn, to make complaint on or before the last day of July in each year, and to prosecute the same to final judgment, against every person keeping a dog, of what age soever, contrary to the provisions of sections eleven and twelve of this chapter, and named in said list of those owning or keeping dogs not licensed, excepting those whom the council may direct that no complaint be made against, on account of their removal from the town or city. And such special constables so appointed and sworn may, at any time during the current year, make complaint and prosecute the same to final judgment, against any person owning or keeping a dog contrary to the provisions of section thirteen of this chapter. And such special constable, so appointed and sworn, shall not be required to give surety for costs, upon making, or in the prosecution, of such complaints.

Penalty for keeping or harboring a dog in violation of this chapter;

duty of special constables.

SEC. 18. Any person may, and every such special constable so appointed, and police officer and constable, shall kill or destroy, or cause to be killed or destroyed, all dogs going at large and not licensed and collared according to law; and for each dog so killed, destroyed, and buried, he shall be entitled to receive from the town or city treasurer the sum of two dollars.

Dogs may be killed when not licensed, &c.

SEC. 19. Whoever wrongfully removes the collar from the neck of a dog registered and collared according to the provisions of this chapter, or steals a dog so registered and collared, shall be fined not exceeding twenty dollars, or imprisoned not more than thirty days,

Penalty for removing collar or stealing dog.

to be recovered by complaint and warrant, one half thereof to the use of the complainant, and one half to the use of the school fund of the town or city where such dog is kept.

Town and city councils to appoint appraisers of damages done by dogs;

mode of appraising damage;

damages, how paid.

SEC. 20. Each town or city council shall, annually, in the month of April, appoint one or more suitable persons appraisers, who shall be sworn to the faithful discharge of their duty, to appraise the damage that may be done to any owner of any sheep or lambs, cattle, horses, hogs, or fowls, suffering loss by reason of the biting, maiming, or killing thereof, by any dog, and to give a statement thereof in writing, under their hands, to the owner suffering such loss. And such owner, suffering loss as aforesaid, shall, within two days after such loss shall come to his knowledge, notify the appraiser so appointed and sworn, living nearest to him in the town wherein such owner resides, of such loss, and said appraiser shall, on receipt of twenty cents per mile travel, and the sum of one dollar, from such owner, appraise the damage and give a statement thereof in writing under his hand to such owner, and shall tax the above said fees thereon, and said owner shall, within thirty days thereafter, present to the town council of the town where such damage is done the appraisal thereof, and thereupon the town council of such town shall draw an order on the treasurer of such town for the amount of such appraisal and fees, or for such other amount, as they in their discretion, after careful examination, may deem just. And each town treasurer shall annually, on the fifteenth day of August, pay all such orders in full, if the gross amount then received by such town under the provisions of this chapter, after deducting all sums previously laid out under such provisions, is sufficient therefor, otherwise the treasurer shall divide such amount, after deducting as aforesaid, *pro rata* among said orders, and the payment thereof shall be in full discharge of such orders. And should any money acquired under the provisions of this chapter remain in any town treasury, after payments provided for herein, the treasurer shall, within ten days thereafter, pay over the whole of such money so remaining, to the school fund of such town, for the support of the free schools therein.

Owner of dog liable for damage done, &c.

SEC. 21. Upon drawing an order as provided in the next preceding section, the town may recover against the keeper or owner of any dog concerned in doing the damage, the full amount of the damage done by his dog and costs of appraisal, in an action of the case, to be brought by the town treasurer. Should the person suffering loss avail himself of the provisions in this and in the preceding section, he shall not be entitled to maintain a suit for damages against the owner or keeper of the dog.

Penalty on officers for neglect to perform duty.

SEC. 22. Every person appointed under the provisions hereof who shall qualify himself to act, and every town clerk, and every town council who shall wilfully neglect to perform any of the duties imposed upon him or them by the provisions hereof, shall forfeit one hundred dollars, to be recovered by indictment, for the use of any person who shall complain for the same.

Town and city councils to inquire and report whether officers have performed their duty.

SEC. 23. It shall be the duty of each town and city council, annually, in the month of September, to ascertain and report whether the town clerk and treasurer of such town, and all persons appointed under the provisions of this chapter, have or not faithfully performed the duties imposed upon him or them; and in case of neglect, shall state in such report what person appears to have been guilty of such neglect, and in what respect; which report such council shall cause to be published as soon as may be, two successive weeks, in some newspaper published in this state.

SEC. 24. Nothing in this chapter shall be so construed as to preclude any person from making complaint after the last day of July.

Saving of complaints made after July.

SEC. 25. The clerks of the several towns shall annually, in the month of March, post up notices in five or more public places in the several towns, giving notice to the people thereof of the time and place for issuing the licenses provided for in the eleventh and twelfth sections of this chapter.

Town clerks to post up notices annually.

SEC. 26. Whenever any owner of any sheep or lamb, cattle, horse, hog, or fowl, suffering loss by reason of the biting, maiming, or killing thereof, by any dog, shall notify the appraiser, as provided in the twentieth section hereof, he may require such owner, and any other person, to be sworn before him, touching such loss, and when so sworn, to answer orally or in writing, as to any facts or circumstances relating to such loss, and the special constable may administer such oath.

Appraisers may swear and examine claimants of damages.

SEC. 27. Every defect in any action, complaint, and warrant, indictment, or other proceeding commenced and prosecuted under the provisions of this chapter, either of form or substance, may be amended either by the justice court, or other court, before which the action, complaint, warrant, or indictment is originally brought, or may be pending.

Defects in proceedings amendable.

SEC. 28. All money remaining in any town or city treasury on the twenty-fifth day of March in any one year, which shall have remained in said treasury for one year, received from the owners or keepers of dogs, for licenses, shall be paid over and credited to the school fund of such town or city, for the use of the public schools thereof.

Moneys received for licenses to go to school fund.

CHAPTER 84.

OF BIRDS.

SECTION

1. Certain birds not to be killed or sold, except at certain seasons.
2. Penalty for killing swallow or box martin, between first of May and first of December.
3. Penalty for shooting birds on land of other persons, between first of February and first of September.
4. Penalties, how to enure; action when to be commenced.

SECTION

5. Penalty for shooting, &c., birds other than game birds and water fowl, on land of another.
6. Action for violation of last section, when to be commenced.
7. Penalty for killing or selling woodcock, quail, and partridges, except at certain seasons.
8. Penalty for shooting, &c., birds off one's own land, except game birds and birds of prey.

SECTION. 1. Every person who shall take, kill, or destroy any lark, robin, wood duck, grey duck, or black duck, between the first day of February and the first day of September; or any snipe between the first day of May and the twentieth day of September; or any grass plover, between the first day of February and the first day of August; or any grouse, or heath-hen, between the first day of January and the first day of November; or any quail between the first day of February and the fifteenth day of October; or shall, within the respective times aforesaid, sell, buy, or have in his posses-

Certain birds to be killed or sold, only at certain seasons.

Penalty.

sion any of the said birds, taken or killed as aforesaid, shall forfeit, for each such bird, two dollars.

Swallow or box martin, when.

SEC. 2. Every person who shall take, kill, or destroy any swallow or box martin, between the first day of May and the first day of October, shall forfeit for every such bird, two dollars.

Penalty for shooting birds on another's land, between Feb. 1st and Sept. 1st.

SEC. 3. Every person who shall, between the first day of February and the first day of September, shoot at or kill any bird, upon land not owned or occupied by himself, and without permission from the owner or occupant thereof, shall forfeit and pay to the owner or occupant thereof five dollars for the first offence, and ten dollars for every subsequent offence, in addition to the damage sustained.

Penalties, how to enure; limitation of actions.

SEC. 4. All forfeitures recovered by virtue of the first or second sections hereof shall enure to the complainant, and all actions for the recovery of the same shall be commenced within three months from the commission of the offence, and not afterwards.

Penalty for shooting, &c., birds other than game birds and water fowl, on land of another.

SEC. 5. Every person who shall shoot at, kill, ensnare, entrap, or destroy, on land not owned or occupied by himself, and without permission from the owner or occupant thereof, any bird except game birds and water fowl, or wilfully destroy the nests or eggs of any birds, shall forfeit and pay to the owner or occupant thereof five dollars for the first offence, and ten dollars for every subsequent offence, in addition to the damages sustained.

Limitation of actions.

SEC. 6. All actions for the violation of the next preceding section shall be commenced within ninety days from the commission of the offence.

Penalty for killing or selling woodcock, quail, and partridges, except, &c.

SEC. 7. Every person who shall take, kill, or destroy any woodcock, between the first day of March and the twentieth day of July, or any quail or partridge between the first day of March and the fifteenth day of October in each year, or shall, within said times, sell buy, or have in his or her possession any of the said birds taken or killed as aforesaid, shall forfeit, for each of said birds, five dollars.

Penalty for shooting, &c., certain birds off one's own land.

SEC. 8. Every person who shall, except upon his own land, shoot at, kill, entrap, or destroy any bird, not a game bird, except birds of prey, shall forfeit, for every such bird, ten dollars.

CHAPTER 85.

OF FERRETS AND WEASELS AND HARES.

SECTION

1. Penalty for killing rabbits and hares, except at certain seasons.
2. Penalty for killing, &c., by use of ferrets or weasels.

SECTION

3. Penalty for having ferrets or weasels, while hunting rabbits or hares.

Penalty for killing rabbits and hares, except, &c.

SECTION 1. Every person who shall take, kill, or destroy any rabbit or hare, between the first day of February and the first day of September in each year, shall forfeit the sum of five dollars, for each and every rabbit or hare so taken, killed, or destroyed.

For killing, &c., by use of ferrets or weasels.

SEC. 2. Every person who shall take, kill, or destroy any rabbit or hare by the use of the ferret or weasel, shall be imprisoned in the county jail ten days, for every such offence.

SEC. 3. Every person who shall have in his possession any ferret

or weasel, while hunting for or after any hare or rabbit, or who shall be associated in hunting for hares or rabbits with others who shall have in their possession, or under their control, any ferret or weasel, shall be fined not exceeding five dollars for every such offence.

For having ferrets or weasels while hunting rabbits or hares.

CHAPTER 86.

OF CRUELTY TO ANIMALS.

SECTION

1. Penalty for overdriving, and other cruel treatment of animals.
2. Same subject.
3. Transportation of animals by railroad; when to be unloaded, fed, &c.
4. Of the arrest of persons guilty of cruelty to animals, and disposition of the animals.
5. Of warrant of search, and complaint for same.
6. Construction of words "animal," "owner," "person," and "whoever."
7. Duty of certain officers to prosecute violations of this chapter.

SECTION

8. Concurrent jurisdiction of justice courts over offences.
9. Penalty for abandoning sick, &c., animals.
10. Of proceedings to prevent fighting of birds or animals.
11. Of forfeiture of birds or animals seized.
12. Of appeal from decree of forfeiture.
13. Expenses of care of birds or animals seized, how paid.
14. Penalty for training, &c., birds or animals to fight.
15. Penalty for attending exhibition of fighting of birds or animals.

SECTION 1. Whoever shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill, or cause, or procure, to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal; and whoever, having the charge or custody of any animal, either as owner or otherwise, shall inflict unnecessary cruelty upon the same, or shall unnecessarily fail to provide the same with proper food, drink, shelter, or protection from the weather, shall, for every such offence, be punished by imprisonment in jail, or state work-house, or house of correction, not exceeding one year, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

Penalty for overdriving, and other cruel treatment of animals.

SEC. 2. Every owner, possessor, or person having the charge or custody of any animal, who shall cruelly drive or work the same when unfit for labor, or cruelly abandon the same, or who shall carry the same, or cause the same to be carried, in, or upon, any vehicle, or otherwise, in an unnecessarily cruel or inhuman manner, or knowingly and wilfully authorize or permit the same to be subjected to unnecessary torture, suffering, or cruelty, of any kind, shall be punished for every such offence in manner provided in section one.

Same subject.

SEC. 3. No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars, after the same shall have been so confined for a period of twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so

Transportation of animals by railroad; when to be unloaded, fed, &c.

unloading by storm or other accidental causes. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received, shall be included; it being the intent of this chapter to prohibit their continuous confinement during the period of twenty-eight hours, except upon contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then by the railroad company transporting the same, at the expense of said owner or person in custody thereof, and said company shall, in such case, have a lien upon such animals, for food, care, and custody furnished, and shall not be liable for any detention of such animals authorized by this chapter. Any company, owner, or custodian of such animals, who shall fail to comply with the provisions of this section, shall, for each and every such offence, be liable for, and forfeit and pay, a penalty of not less than one nor more than five hundred dollars: *Provided, however,* that when animals shall be carried in cars in which they can and do have proper food, water, space, and opportunity for rest, the foregoing provisions in regard to their being unloaded, shall not apply.

Of the arrest of persons guilty of cruelty to animals, and disposition of animals.

SEC. 4. Any person found violating the laws in relation to cruelty to animals, may be arrested and held without warrant, *provided* that such arrest or detention without a warrant shall not continue longer than six hours; and the person making an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for such animals until the owner thereof shall take charge of the same: *Provided,* the owner shall take charge of the same within sixty days from the date of said notice. And the person making such arrest shall have a lien on said animals, for the expense of such care and supervision.

Of warrant of search, and complaint for same.

SEC. 5. Whenever complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases, that the complainant believes, and has reasonable cause to believe, that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search-warrant, authorizing any sheriff, deputy sheriff, constable, or police officer, to search such building or place; but no search shall be made after sunset, unless specially authorized by the magistrate, upon satisfactory cause shown.

Construction of words "animal," "owner," "person," and "whoever."

SEC. 6. In this chapter the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner," "person," and "whoever," shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

Duty of certain officers to prosecute violations of this chapter.

SEC. 7. Every sheriff, deputy sheriff, constable, and police officer shall prosecute all violations of the provisions of this chapter, which shall come to his notice or knowledge, and fines and forfeitures collected upon or resulting from the complaint or information of any officer or agent of the Society for the Prevention of Cruelty to Animals, under this chapter, shall enure and be paid over to said society, in aid of the benevolent objects for which it was incorporated.

SEC. 8. The several justice courts shall have concurrent jurisdic-

tion with courts of common pleas, over all offences under this act, and to the full extent of the penalties therein specified; parties defendant, however, having the same right to appeal from the judgment of said justice courts, as is now provided by law in other criminal cases.

Concurrent jurisdiction of justice courts over offences.

SEC. 9. If any maimed, sick, infirm, or disabled animals shall be abandoned to die, by any owner or person having charge of the same, such person shall, for every such offence, be punished in the same manner provided in section one.

Penalty for abandoning sick, &c., animals.

SEC. 10. Any officer authorized to serve criminal process may enter any place, building, or tenement, where there is an exhibition of the fighting of birds or animals, or where preparations are being made for such an exhibition, and without a warrant arrest all persons there present, and take possession of the birds or animals engaged in fighting, and of all birds and animals there found and intended to be used or engaged in fighting; such persons shall be kept in custody in jail or other convenient place not more than twenty-four hours, Sundays and legal holidays excepted; at or before the expiration of which time, such persons shall be brought before a justice court or court of common pleas, and proceeded against according to law.

Of proceedings to prevent fighting of birds or animals.

SEC. 11. After the seizure of any birds or animals, as provided in the preceding section, application shall be made to a justice court, or court of common pleas, for a decree of forfeiture of the same; and if, upon the hearing of such an application, it shall be found and adjudged that the same, at the time of said seizure, were engaged in fighting at an exhibition thereof, or were owned, possessed, or kept by any person with the intent that the same shall be so engaged, they shall be adjudged forfeit, and any officer authorized to serve criminal process shall sell the same in such manner as the court shall order, and pay the proceeds of such sale after the payment of costs, including costs of seizure and keeping of said birds or animals, and of the sale thereof as aforesaid, to the use of the state: *Provided*, that when such seizure and application for decree of forfeiture shall be made by, or result from, the complaint or information of any officer or agent of the Society for the Prevention of Cruelty to Animals, the proceeds of such sale shall be paid over to said society. Should it be found and adjudged that any such birds or animals are of no use or value, the same shall be set at large, or otherwise disposed of, as the court may direct. The claimant shall be allowed to appear in the proceedings upon any such application. Any of such birds or animals not adjudged forfeit, shall be delivered to the owner thereof.

Of forfeiture of birds or animals seized.

SEC. 12. Any claimant aggrieved by any decree of such court may, within five days after the entry of such decree, and before execution thereof, appeal therefrom to the court of common pleas or supreme court then next to be held in the county.

Of appeal from decree of forfeiture.

SEC. 13. The necessary expenses incurred in the care and disposing of such birds or animals may be allowed and paid in the same manner that costs in criminal prosecutions are paid.

Expenses of care, &c., of such animals, &c., how paid.

SEC. 14. Whoever shall own, possess, keep, or train any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, shall be fined not exceeding fifty dollars.

Penalty for training, &c., bird or animal to fight.

SEC. 15. Whoever shall be present at any place, building, or tenement where preparations are being made for an exhibition of the fighting of birds or animals, with intent to be present at such exhibition, or shall be present at such exhibition, shall be punished by fine not exceeding ten dollars.

Penalty for attending, &c., exhibition of fighting of birds or animals.

CHAPTER 87.

OF STAKES AND BUOYS.

SECTION

1. Penalty for making fast vessel, boat, or raft, to any stake or buoy in Providence River, Narragansett Bay, or Warren River.
2. Action for such offence, when and where to be brought.
3. Penalty for making fast vessel, &c.

Penalty for making vessel, &c., fast to any stake or buoy in certain rivers, &c.

Action for such offence, when and where to be brought.

Penalty for making fast vessel, &c., to certain stakes, &c. :

penalty, where and to whose use recovered.

Penalty for running against or in-

SECTION

- to certain stakes, &c. ; penalty, where and to whose use recovered.
4. Penalty for negligently running against or injuring beacons, buoys, stakes, &c., south of Kinnimicut Point, &c.

SECTION 1. Each and every owner, and each and every person having the charge of any vessel, scow, boat, or raft of any kind, which shall be made fast to any stake or buoy which has been or shall be placed, at the expense of the United States, for the security and direction of vessels, either in Providence River or in any part of Narragansett Bay, or the waters thereof north of Kinnimicut Point, or in Warren River, and each and every person who shall in any way injure or destroy any of the said stakes and buoys placed as aforesaid, shall forfeit not exceeding ten dollars, nor less than three dollars; two thirds thereof to the use of the United States, in order to replace such stake or buoy, and the other third to the person who shall sue for the same.

SEC. 2. For any offence aforesaid committed in Providence River, or in any part of Narragansett Bay, or the waters thereof north of Kinnimicut Point, the action may be brought in the county of Providence or Kent, and the part of the forfeiture belonging to the United States as aforesaid for such offence shall be paid to the collector of the district of Providence; and for any offence aforesaid committed in Warren River, the action may be brought in the county of Bristol, and the part of the forfeiture belonging to the United States as aforesaid for such offence shall be paid to the collector of the district of Providence; and for any offence aforesaid committed in Warren River, the action may be brought in the county of Bristol, and the part of the forfeiture belonging to the United States as aforesaid for such offence shall be paid to the collector of the district of Bristol; and all forfeitures that may accrue under the section next preceding, shall be sued for within six months after they shall accrue.

SEC. 3. Every person who shall make fast any ship, vessel, scow, boat, or raft of any kind to the buoy on the shoal south of Kinnimicut Point, or to the stake on said point, or to the flag-staff on the half-way rock, or to any stake which has been or may be placed at the mouth of Bristol harbor, or to any of the moorings of said buoys, and the master or owner of such ship, vessel, scow, boat, or raft, shall forfeit not exceeding twenty dollars, nor less than five dollars; to be recovered in the county of Kent, Bristol, or Providence; one third thereof to the use of the person who shall sue for the same, and the other two thirds to be paid to the collector of the customs within whose district the offence shall be committed, for the use of the United States.

SEC. 4. The captain, owner, or owners of every ship or vessel that shall, by running against or otherwise, injure the beacon on Castle Island, at the entrance of Bristol harbor, or any buoy placed or here-

after to be placed, at the expense of the United States, in any of the waters of the Narragansett Bay south of Kinnimicut Point, or the stakes on said point, or in any way injure, destroy, or remove the chains or anchors by which they are or shall be moored, shall forfeit not exceeding thirty-six dollars, nor less than twelve dollars: *Provided*, the same is done intentionally or negligently; to be recovered in the county of Kent or Newport; and to be distributed, paid, and appropriated, in the manner hereinbefore pointed out.

juring, beacons, buoys, stakes, &c., south of Kinnimicut Point, &c.

CHAPTER 88.

OF PILOTS AND PILOTAGE, ETC.

SECTION

1. Commissioners of pilots, how appointed.
2. Commissioners may grant commissions to pilots.
3. Duties of pilots.
4. Vessels liable for pilotage fee, when.
5. Pilotage fees a lien on vessels.
6. Coastwise vessels may refuse pilot.
7. Commissioners to register complaints, and may revoke commissions of pilots for misconduct or negligence.

SECTION

8. Pilots to render account; commissioners' percentage; penalty for false return.
9. Commissioners may make rules for pilots, fix rates of pilotage, &c.
10. To keep records, and report annually to secretary of state.
11. Rates of pilotage for vessels taking steam towage.
12. Penalty for exercising the duties of a pilot without being commissioned.

SECTION 1. The governor shall appoint three persons to be commissioners of pilots, who shall hold their offices for the period of three years; except that the commissioners first appointed under this chapter shall hold their offices as follows: one for one year, one for two years, and one for three years. Whenever a vacancy occurs, an appointment shall be made for the remainder of the term.

Commissioners of pilots, how appointed.

SEC. 2. The commissioners shall grant commissions as pilots in and for the several ports, waters, and harbors within the state, to such number of persons as shall, upon examination, prove competent and trustworthy, as they may deem necessary.

Commissioners may grant commissions to pilots.

SEC. 3. Every pilot shall take charge of all registered vessels entering the ports or waters of this state, or going out of the same, except fishing vessels and coastwise vessels, other than whaling vessels, vessels sailing from one port to another, within the state, and not in completion of a voyage from a place out of the state; and passenger steam vessels regulated by United States laws, and carrying a United States pilot.

Duties of pilots.

SEC. 4. Every vessel inward bound, other than those included in the exception in the preceding section, and excepting also coastwise vessels, shall pay to the first pilot offering his services, the regular pilotage fee; but coastwise vessels not taking a pilot shall be exempt therefrom; provided, however, that no vessel shall be obliged to take a pilot or to pay pilotage if she is bound into the harbors of Newport, Bristol, and Warren, unless a commissioned pilot shall offer his services before such vessel passes the line from Point Judith to Brenton's Reef light-boat.

Vessels liable for pilotage fee, when.

Pilotage fees a lien on vessels.

SEC. 5. Every pilot shall have a lien for his pilotage fees, for the space of sixty days, upon the hulls and appurtenances of any vessel liable to him therefor.

Coastwise vessels may refuse pilot.

SEC. 6. It shall be optional with coastwise vessels to take or to refuse to take a pilot, but if they elect to take a pilot, the pilotage shall be the same as for registered vessels.

Commissioners to register complaints; may revoke commission.

SEC. 7. The commissioners of pilots shall register, in a book kept for that purpose, complaints by and against pilots, and shall examine the evidence concerning the same, and may revoke the commission of any pilot for misconduct or negligence.

Pilots to render account;

SEC. 8. Every pilot shall, once in three months, render to the commissioners an account of all vessels piloted, and of all money received by him, or by any person for him, for pilotage, and pay the commissioners six per cent. on the amount thereof, which shall be in full for their official services; and pilots may add six per cent. to the rates established by law at the time when they perform the services of piloting any vessel, and collect the same in like manner as they are authorized to collect the pilotage fees. If a pilot shall fraudulently make a false return of moneys so received, he shall forfeit and pay to the commissioners a penalty of fifty dollars.

commissioners' per centage;

penalty for false return.

Commissioners may make rules for pilots, fix rates of pilotage, &c.

SEC. 9. The commissioners may, from time to time, make rules and regulations concerning pilots and pilotage, and fixing the rates of pilotage, which shall be in proportion to a vessel's draught of water; and in fixing the rates of pilotage, the said commissioners shall take into the account the distance from the port of destination, at which such pilot shall offer his services. The commissioners shall, at least once a year, at their own expense, publish all the regulations in force concerning the pilotage of the state; and shall cause the regulations and laws concerning pilots and pilotage to be observed and executed.

To keep records, and report annually to secretary of state.

SEC. 10. They shall keep a record of all their official acts, and annually, on or before the first day of January, shall make a report to the secretary of the state of their proceedings, for the year ending on the last day of the preceding month, together with the amounts by them received for their official duties, and the amounts of pilotage collected by the pilots.

Rates of pilotage for vessels taking steam towage.

SEC. 11. Vessels taking steam towage into or out of a port or harbor of this state by direction of the owner or master, shall pay full pilotage; but when steam towage is taken by request of the pilot, the vessel shall be liable to pay only seventy-five per cent. of the rates of pilotage to which such vessel would otherwise be liable.

Penalty for acting as pilot without being commissioned.

SEC. 12. Whoever, not holding a commission as a pilot, under the provisions of this chapter, except persons employed on board of the vessel for the voyage, exercises the duties of a pilot on board of any vessel within the waters of this state, where a commissioned pilot offers his services or can be obtained at a reasonable time, shall be fined not less than twenty, nor more than fifty dollars for every such offence, whether the vessel is liable to compulsory pilotage or not, to be recovered by complaint and warrant, one half of said fine to enure to the use of the complainant.

CHAPTER 89.

OF THE PROTECTION OF NAVIGATION IN THE PAWTUCKET RIVER.

SECTION

1. Commissioner for river, how appointed; his powers and duties.

SECTION

2. Penalty for making fast to, injuring, or removing stakes or buoys.

SECTION 1. A commissioner shall be appointed annually, by the governor, who shall accurately mark the channel of the Pawtucket River, by erecting and placing suitable stakes and buoys along the sides of said channel, at the request and for the convenience of persons interested in the navigation of said river. Such commissioner shall hold his office for the term of one year, and until his successor in said office shall be appointed; and his duties shall be performed without expense to the state, or to any person or persons other than those by whom he is employed.

Commissioner, how appointed; his powers and duties.

SEC. 2. The owner, or the person having charge of any vessel, scow, boat, seine, or raft of any kind, which shall be made fast to any stake or buoy erected or placed as aforesaid, for the security or guidance of vessels navigating said river, and every person who shall in any way, wilfully injure, remove, or destroy any of the said stakes or buoys, placed as aforesaid, shall, upon conviction thereof, forfeit a sum not exceeding one hundred dollars, and not less than twenty dollars; one half to the use of the state, and the remainder to the use of the complainant, or be imprisoned for a term not exceeding six months, nor less than ten days.

Penalty for making fast to, injuring, or removing stakes or buoys.

CHAPTER 90.

OF WRECKS AND SHIPWRECKED GOODS CAST UPON BLOCK ISLAND.

SECTION

1. Commissioner, how appointed.
2. Commissioner to give bond.
3. To take charge of goods shipwrecked on Block Island.
4. May employ assistants.
5. Penalty for disobeying orders of commissioner.
6. Commissioner shall take an inventory of property.
7. Compensation in case of disagreement to be submitted to arbitrators.
8. If arbitration not agreed to, then the case to be decided at law.
9. Owner of property liable to commissioner only, unless for services before arrival of commis-

SECTION

- sioner; proceedings in such case.
10. Penalty for intermeddling with wrecked property.
11. Commissioner to advertise wrecked property.
12. Commissioner may sell property sufficient to pay duties, or which is perishable.
13. He may advertise and sell property which cannot be safely kept one year.
14. If no owner appears in one year, the commissioner shall present to the general treasurer an inventory and account of such property.

SECTION

15. Compensation to be allowed by general treasurer to commissioner for services and expenses.

SECTION

16. Liability of commissioner for neglect.

17. Commissioner may appoint a deputy ; duties of deputy.

Commissioner, how appointed.

SECTION 1. The governor, by and with the advice and consent of the senate, shall appoint in the town of New Shoreham, a commissioner of wrecks and shipwrecked goods, who shall hold his office for five years, unless removed for cause by the governor.

Commissioner to give bond.

SEC. 2. The commissioner shall give bond for the faithful discharge of his duty to the general treasurer, with sufficient sureties, to the acceptance of said general treasurer, in the sum of five thousand dollars ; and any person having a claim against any such commissioner for any breach or neglect of his official duty, may have a remedy therefor by a suit on his bond, to be prosecuted in the name of the general treasurer.

To take charge of goods shipwrecked on Block Island.

SEC. 3. He shall, immediately on receiving information of any shipwreck, or of the finding of any shipwrecked goods or property of any kind, in value to the amount of twenty dollars or more, upon the shore of the island of Block Island, repair to the place where the said property may be found, and in case the same shall not be in the custody of any owner or agent, he shall take charge thereof, and shall preserve and secure the same for the owner.

May employ assistants.

SEC. 4. The commissioner in such case may employ as many persons as he shall think necessary, to assist in preserving the property, and he may appoint guards to secure the property, and may suppress all tumults and disorders.

Penalty for disobeying orders of commissioner.

SEC. 5. If any person shall disobey any lawful order of the commissioner, given in discharging the duties of his office, he shall forfeit for every such offence, not more than twenty dollars, to be recovered in an action in the name of the commissioner, to the use of the town of New Shoreham.

Commissioner to take an inventory of property.

SEC. 6. Such commissioner shall, on every such occasion, take an inventory of all the property that shall come into his possession ; and when required by the owner of the property or his agent, or by any insurance company or underwriter, or other person interested in said property, he shall make oath to the truth of such inventory, and shall deliver a copy thereof, together with all the said property, to the owner, agent, or other person lawfully authorized to receive it : *Provided*, that there shall be paid, or secured to be paid, to the commissioner, a reasonable compensation for his services and expenses, and such custom-house duties and other charges, if any, as he shall have paid or become liable to pay, upon or for the property in question.

Compensation of.

SEC. 7. If the commissioner and the other party shall not agree on the sum so due the commissioner, the case may be submitted to three arbitrators for settlement ; one of said arbitrators shall be chosen by the commissioner, one by the other party, and the third by the two already selected ; they shall be citizens of this state, and, unless objection is raised by the commissioner or the other party, resident voters of the town of New Shoreham. If objection is made to the selection of inhabitants of that town for such service in any case, then selection may be made of any three resident voters in the county of Newport.

Compensation, in case of disagreement, to be submitted to arbitrators.

SEC. 8. If the parties shall not agree to submit the case to arbitrators, or if the case is submitted and either party is dissatisfied with

To be decided by law, if arbitration not agreed to.

the decision of the arbitrators, then the case may be decided in an action at law, to be commenced and prosecuted as the circumstances may require, unless the same shall be a matter within the exclusive jurisdiction of the courts of the United States.

SEC. 9. No owner or other person interested in any such property shall be held to pay to any person, other than the said commissioner, any charge for services or expenses in taking or securing the property, unless it be for property taken or secured before the arrival of the commissioner; in which case the commissioner shall, upon due hearing of all parties interested, determine the compensation to be received as aforesaid, and any party dissatisfied with the award of such commissioner may appeal therefrom to the next term of the court of common pleas to be holden in said county of Newport, where the party so aggrieved shall have a hearing of said case, which shall be final. *Provided*, he shall, within five days after the rendition of such award of said commissioner, pay costs and give bond before said commissioner, to the other party, with sufficient surety or sureties, to prosecute such appeal with effect, or in default to pay costs.

Owner of property liable to commissioner only, unless for services before his arrival; proceedings in such case.

SEC. 10. If any person shall, after the arrival of the commissioner, take, detain, or intermeddle with any property shipwrecked or found as aforesaid, except under the direction of the commissioner, or of the owner or agent, or other person interested, he shall forfeit not more than one thousand dollars for each offence, to be recovered in the name of the commissioner, owner, agent, or other person interested, to his own use.

Penalty for intermeddling with wrecked property.

SEC. 11. The commissioner, as soon as may be after his arrival at the place where any wreck or goods shall be found, shall publish the particulars of the shipwreck and of the goods found, with such other material facts as he shall ascertain, in the newspapers printed in the city of Newport, in order that knowledge thereof may be given as soon as possible to the owner, agent, or person interested; and if the commissioner shall neglect so to do, he shall forfeit fifty dollars, to be recovered by an action at the suit of the owner, agent, or other person interested, to his own use.

Commissioner to advertise wrecked property.

SEC. 12. The commissioner may dispose of so much of the property by public auction, within thirty days after taking the same into his custody, as shall be sufficient to pay all duties thereon which he shall have paid, or for which he shall become liable to the customhouse, or which is of a perishable nature.

May sell sufficient to pay duties.

SEC. 13. Whenever such property may be much reduced in value by keeping it for one year, and no owner, agent, or other person interested therein shall appear to claim it within sixty days after it shall have been taken into the custody of the commissioner, he shall advertise the said property in the public newspapers in the city of Newport, and shall sell the same by auction to the best advantage.

May advertise and sell what cannot be safely kept one year.

SEC. 14. If no owner, agent, or other person interested in such property shall appear within one year after it shall have been taken into the custody of the commissioner, and establish his claim thereto, the commissioner shall present to the general treasurer of the state an inventory of the property, or if sold, an account of all the sales, with an account of all the moneys paid by him for duties on the property, and for the expenses of securing and preserving it; and he shall make oath to the truth of such inventory and accounts, and shall pay and deliver to the said general treasurer the balance of such accounts, with all the said property remaining in his hands, for the use of the state.

Proceedings if no owner appears in one year.

Compensation to be allowed by general treasurer to commissioner.

SEC. 15. The general treasurer may make the commissioner such compensation for his services and expenses as shall be just, to be ascertained, in case of disagreement between the commissioner and general treasurer, in the same manner that is before provided for the adjustment of the like question between the commissioner and the owner of the property.

Liability of commissioner for neglect.

SEC. 16. If the commissioner shall, for the space of sixty days after the expiration of the year herein before limited for his accounting with the general treasurer, neglect to present to the general treasurer the inventory and accounts before mentioned, and to pay and deliver the balance due thereon, together with all the said property remaining in his hands, the said general treasurer shall cause a suit to be commenced in his name therefor, for the use of the state, and shall prosecute the same to final judgment and execution.

Commissioner may appoint a deputy; duties of deputy.

SEC. 17. In case the commissioner shall be absent from the island, or shall be unable from sickness or other cause to attend to the duties of his aforesaid office, he may, and is hereby authorized to appoint some other person in the said town of New Shoreham to act in his stead as such commissioner, while such absence or inability shall exist. The person so appointed or authorized shall be clothed with all the rights and powers which said commissioner has under this chapter; for which the said commissioner shall be as fully responsible as if such acts were performed by himself.

CHAPTER 91.

OF SEA-WEED.

SECTION

1. Sea-weed, when it may be taken from the public beach in Barrington, by whom, and in what quantity.
2. No person except an inhabitant of

SECTION

- Barrington allowed to take sea-weed from such beach.
3. Penalty for unlawfully taking sea-weed from such beach.

When sea-weed may be taken from public beach in Barrington, &c.

SECTION 1. The inhabitants of the town of Barrington may, at all times, between the rising and setting of the sun, take up and carry off from the public beach in said Barrington, extending west from Hyde's Hole to land of the heirs of John Watson, with their teams, carts, or wagons, not exceeding two loads of sea-weed each in any one day: *Provided*, that no person shall take more than one load of sea-weed in any one day, until all who have repaired to said beach with their teams shall have obtained one load each.

Who may take.

SEC. 2. No person other than an inhabitant of the town of Barrington shall be permitted to take or carry off from said beach any sea-weed, in any manner whatever.

Penalty for unlawfully taking.

SEC. 3. Every person who shall take or carry off from such beach any sea-weed, contrary to the provisions of the preceding sections, shall forfeit ten dollars for each and every load of sea-weed so carried off; one half part thereof to the use of the person suing for the same, and one half part thereof to the use of the town of Barrington.

TITLE XV.

PROVISIONS RESPECTING MILLS, FENCES, POUNDS, AND OF ANIMALS AT LARGE, DOING DAMAGE, AND STRAY.

- CHAPTER 92. Of water-mills.
- CHAPTER 93. Of windmills.
- CHAPTER 94. Of fences.
- CHAPTER 95. Of pounds.
- CHAPTER 96. Of the distraint of animals going at large.
- CHAPTER 97. Of the distraint of animals doing damage.
- CHAPTER 98. Of estrays.

CHAPTER 92.

OF WATER-MILLS.

SECTION

1. Owners of mills may improve the ponds, and keep up the dams thereof.
2. Remedy of persons injured by such ponds; mill and mill-dam pledged and liable for damages.
3. Appeal allowed — terms of.
4. Damages to be ascertained by jury.
5. Justice to attend and engage jurors — swear witnesses — decide questions of law — issue venire.
6. Jury to appraise past damages.
7. Jury to appraise future yearly damages.
8. Jury to appraise gross damages.
9. Verdict to be returned to the court.
10. Plaintiff may elect between yearly and gross damages.
11. Election of plaintiff to be binding.
12. If plaintiff makes no election, judgment shall be entered for yearly damages.

SECTION

13. Execution on such judgment, how to issue, and to be levied.
14. Sale on such execution valid; redemption allowed.
15. Damages awarded shall be recovered by plaintiff for five years only, if the subject of complaint is removed.
16. Justice attending jury to be paid for services and expenses.
17. Death of plaintiff not to abate the action; damages in such case, how assessed.
18. Marriage of plaintiff not to abate the action, if party in interest appears.
19. Joint-tenants, &c., being plaintiffs, action not abated by transfer to co-tenant.
20. Death of defendant not to abate the action.
21. Owner of dam, how long he may detain the natural stream.

SECTION 1. Whenever any person shall have set up any water-mill upon his land, or upon the land of another with his consent, the owner of such mill may continue and improve the pond, and keep up the dam thereof on his land for his advantage, without molestation.

Owners of mills may improve ponds and keep up dams.

SEC. 2. Any person aggrieved or injured by the flowing of the pond raised by such dam, or by the stopping or raising of the water either above or below said dam, or by the backing of water under his land, or by the flowing out of any fall of water in his land by means

Remedy of persons injured by such ponds;

mill and mill-dam pledged and liable for damages.

Appeal allowed;

terms of.

Damages to be ascertained by jury.

Justice to attend and engage jurors;

swear witnesses; decide questions of law;

may issue venire.

Jury to appraise past damages.

To appraise future yearly damages.

To appraise gross damages.

Verdict to be returned to court. Plaintiff may elect between yearly and gross damages.

of such dam, may commence an action on the case before the court of common pleas in the county in which such dam is, against the owner of the dam, or any precedent owner thereof; a copy of which writ shall be left by the officer serving the same in the office of the town clerk of the town in which such dam is; and the mill and mill-dam complained of, together with all their appurtenances and the land under and adjoining the same, shall thenceforth be pledged and liable for the damages which may be recovered in such action.

SEC. 3. Whenever it shall be adjudged by said court that the plaintiff in any such action is entitled to damages, the defendant shall have the right to appeal from said judgment to the supreme court, upon the same terms and conditions as appeals are allowed in other cases; and, in like manner, the plaintiff may appeal whenever said court shall adjudge that he is not entitled to damages: *Provided*, that such appeal be claimed within five days after the rendition of such judgment, or during the same term of said court, if said term shall not continue five days, by filing an appeal bond as in other cases.

SEC. 4. Whenever any plaintiff in any such action shall recover a final judgment for damages against the defendant, whether in the court of common pleas or in the supreme court, the court rendering the same, or any justice of the supreme court, in the vacation of such court rendering said judgment, shall cause to be issued by the clerk of said court a writ of venire to the sheriff of said county or his deputy, to return twelve good and lawful men of the same county to meet at a time and place appointed in such venire, in order to ascertain the amount of such damages.

SEC. 5. At the time and place appointed by such writ, some one justice of the court issuing the same shall attend said jurors; shall engage them to a faithful and impartial discharge of their duty; shall swear all witnesses produced by either party before them; shall decide all questions of law that may arise incidentally in the trial, and may charge the jury upon the law, after the parties have submitted their evidence and arguments to them. If all the persons summoned as jurors do not appear, or are excused, such justice may issue a venire to fill up the panel.

SEC. 6. Such jury shall appraise the damages which the plaintiff shall have sustained by the matters of complaint set forth in his writ and declaration, from the time of his ownership of the premises injured up to the date of the writ, if the defendant has been so long owner of the mill-dam or pond; if not, then from the time the ownership of the defendant commenced up to the date of the plaintiff's writ, or until the defendant ceased to be owner.

SEC. 7. The jury shall also appraise the damages that the plaintiff ought yearly to receive and recover of the defendant, his heirs and assigns, owners of said dam, from the date of the plaintiff's writ until five years after the dam shall be removed by the defendant, his heirs, or assigns.

SEC. 8. The jury shall also appraise what sum would be a just and reasonable compensation to said plaintiff, for all damages done to him by the matters of complaint set forth in his writ, from the date of his writ.

SEC. 9. Said justice shall return to the court issuing the venire, as soon as may be, the verdict rendered and signed by the jury.

SEC. 10. Upon the return and filing of any such verdict, the court to which it is returned shall continue the cause until the next term, before rendering any judgment accepting the same; and the plaintiff

shall, on or before the second day of said term, in writing, make his election between the yearly damages and the damages in gross found by the jury.

SEC. 11. The election of the plaintiff shall be entered on the records of the court in said case, and shall be forever binding on the plaintiff and defendant and all claiming under them; and the judgment of the court shall follow the election of the plaintiff.

Election to be binding.

SEC. 12. If the plaintiff shall neglect to make any election within the time and in the manner hereinbefore prescribed, the court shall enter up judgment in his favor for the yearly damages found by said jury; and the judgment so rendered shall bar all actions for the injuries complained of by the plaintiff, excepting only an action of debt on the judgment, or by writ of *scire facias* to enforce the same.

Judgment to be for yearly damages if plaintiff make no election.

SEC. 13. Every execution that may issue on any judgment for damages rendered as aforesaid, whether for yearly damages or damages in gross, shall run, not only against the goods and chattels and real estate of the defendant, but, if the defendant was owner of said mill at the date of the writ, also against the mill and mill-dam which was the occasion of said suit, with all the appurtenances thereof; the form of the execution shall be varied accordingly by the court issuing the same; and such execution may be levied thereon, and the same proceedings may be had, as on executions in other cases levied on real estate.

Execution on such judgment, how to run, issue, and be levied.

SEC. 14. Any sale of said mill or mill-dam and appurtenances thereof made on such execution, shall be valid and effectual against the defendant and against all persons whose titles shall accrue after the service of the writ in said action; but any person entitled to the premises sold may redeem the same at any time within one year after the sale, upon paying to the purchaser or person holding under him the sum paid therefor, with interest thereon at the rate of twelve per cent. per annum.

Sale on such execution valid; redemption allowed.

SEC. 15. Whenever any plaintiff shall elect to receive the yearly damages awarded him as aforesaid, and the mill owner shall afterward remove the matter complained of in the writ, for which said damages were awarded, the plaintiff or his assigns shall recover said damages for five years after said matter shall be removed, and no longer.

Yearly damages recoverable five years after removal of subject of complaint.

SEC. 16. The justice of the court of common pleas or of the supreme court, who shall attend said jury in assessing damages, shall be entitled to compensation for his services and expenses, to be allowed by the court and taxed in the bill of costs.

Compensation of justice attending jury.

SEC. 17. If the plaintiff in any such action shall die pending the same, his death shall not abate said action, but his executor or administrator, as in suits which survive, shall come in, and prosecute the same; but the jury assessing damages shall assess damages only up to the date of the plaintiff's writ, which damages shall be assets in the hands of such administrator or executor, and not yearly damages or damages in gross, unless the heirs at law or devisees of such deceased shall, in writing or in person, in open court, consent to such appearance of the administrator or executor.

Death of plaintiff not to abate action;

damages in such case, how assessed.

SEC. 18. No marriage of any party plaintiff in any such action shall abate the same, if the new party in interest, upon the marriage being suggested by the defendant on the record, will at the same term, in writing or in person, in open court, amend the process and enter himself as one of the plaintiffs in said action; but the costs in said action shall not be increased by said marriage.

Marriage of plaintiff, not to abate action, if, &c.

SEC. 19. If several joint-tenants, tenants in common, or copar-

Joint-tenants, &c., being plaintiffs, action not abated by transfer to co-tenant.

Death of defendant not to abate action.

Owner of dam, how long may detain natural stream.

eners, be plaintiffs in such a suit, and pending the same, one or more of them shall sell his interest in the premises alleged to be injured, to one or more of his co-tenants, such action shall not thereby be abated, but the cause shall proceed to judgment with the same effect as if such conveyance had not been made.

SEC. 20. If there be several defendants in such a suit, and one or more of them die pending the same, the suit shall not thereby abate, but the cause shall proceed to judgment with the same effect as if such death had not occurred; and if there be but one defendant, and he die pending the same, his death shall not abate said action, but the devisees or heirs at law may come into court at the term next following the decease, and substitute their names as defendants, instead of the deceased.

SEC. 21. No person owning any dam, on any river or stream of water, shall detain the natural stream thereof at any one time, more than twelve hours out of twenty-four hours, except on Sundays, whenever he shall be requested by the owner of any dam, within one mile below on the same stream, to suffer the said natural run of said river or stream to pass his said dam.

CHAPTER 93.

OF WINDMILLS.

SECTION

1. No windmill to be placed within twenty-five rods of a street or road.
2. Penalty for locating or continuing windmill within that distance.

SECTION

3. City and town councils may remove such windmills.
4. May authorize or continue the location thereof.
5. Provisions of this chapter, in what cases not to be applied.

Windmill, where prohibited.

Penalty for locating, continuing, &c., windmill, where prohibited.

City and town councils may remove such windmills.

May authorize or continue location of.

Exceptions to foregoing provisions.

SECTION 1. No windmill shall be erected, placed, or continued within twenty-five rods of any travelled street or road.

SEC. 2. Every owner of a windmill who shall neglect or refuse to remove any windmill, or any person who shall erect, locate, or run any windmill, within twenty-five rods of any travelled street or road, shall be fined for every such offence not exceeding five hundred dollars, nor less than one hundred dollars, one half thereof to the use of the town where the offence shall have been committed, and the other half thereof to the use of the state.

SEC. 3. The city council of any city, and the town council of any town, may remove all such windmills, within their cities or towns respectively, as are located, continued, or run contrary to the provisions of this chapter.

SEC. 4. The city council of any city, and the town council of any town, may, upon petition in writing to them presented, authorize or continue the location of any mill in their discretion, at any place within the limits of their respective towns.

SEC. 5. The provisions of this chapter shall not apply to any mill which shall be located by decree of the town council of the town in which the same is situated, or to any mill situated in the towns of New Shoreham or Jamestown.

CHAPTER 94.

OF FENCES.

SECTION

1. Lawful fences defined.
2. Partition fences, how placed and maintained.
3. Partition fences between improved lands maintained equally.
4. Partition fence between improved and unimproved lands.
5. Fence viewers may, upon complaint, order fences to be repaired or rebuilt.
6. Proceedings in case such order is not complied with.
7. Water fences, when to be maintained.
8. Disputes respecting partition fences to be settled by fence viewer.

SECTION

9. Partition fence erected by agreement, &c., how held and improved, &c.; agreement to be recorded.
10. Party making more than his share, to be paid by adjoining proprietor; in case of refusal, value to be ascertained by fence viewer.
11. Proceedings in such cases.
12. Fence viewer, penalty for neglect.
13. Fees of fence viewer.
14. Marsh lands not included in this chapter.
15. Remedy for trespasses by cattle, &c., on marsh land.

SECTION 1. The fences hereinafter described are and shall be adjudged to be lawful fences, to wit:—

A hedge with a ditch shall be three feet high upon the bank of the ditch, well staked, at the distance of two feet and a half, bound together at the top, and sufficiently filled to prevent small stock from creeping through; and the bank of the ditch shall not be less than one foot above the surface of the ground.

A hedge without a ditch shall be four feet high, staked, bound and filled, as a hedge with a ditch.

Post and rail fence on the bank of a ditch shall be four rails high, each well set in posts, and not less than four feet and a half high.

A stonewall fence shall be four feet high, with a flat stone hanging over the top thereof, or a good rail or pole thereon, well staked or secured with crotches or posts.

A stonewall without such flat stones, rails or posts on the top, shall be four feet and a half high.

And all other kinds of fences, not herein particularly described, shall be four feet and a half high.

SEC. 2. All partition fences shall run on the dividing line; and the owners shall have the right to place one half of the width thereof on the land of each adjoining proprietor. Such fences shall be kept up and maintained in good order through the year, unless the parties concerned shall otherwise agree.

SEC. 3. Partition fences between lands under improvement shall be made and maintained in equal halves in length and quality, by the proprietors or possessors of such lands respectively.

SEC. 4. In case any proprietor of land shall improve his land, the land adjoining being unimproved, and shall make the whole partition fence, the proprietor or possessor of the land adjoining and unimproved shall, upon improvement thereof, pay for one half of such partition fence, according to the value thereof at that time; and shall keep up and maintain the same ever afterwards, whether he shall continue to improve such land or not.

Lawful fences defined.

Hedge with ditch.

Hedge without ditch.

Post and rail fence, &c.

Stonewall fence.

Stonewall, &c.

Other fences.

Partition fences, how placed and maintained.

How, between lands under improvement.

How, between improved and unimproved land.

Fence viewers may, on complaint, order fences repaired or rebuilt.

SEC. 5. Whenever any proprietor or possessor of land shall neglect or refuse to repair or rebuild any partition fence, or shall withdraw his fence from any division line, the aggrieved party may complain to any fence viewer of such town; who, after due notice to such party, shall attend and view the same; and if he shall find said complaint to be true, he shall, in writing, require the delinquent party to repair or rebuild the same within such time as he shall therein appoint, not exceeding fifteen days.

Proceedings if order is not complied with.

SEC. 6. If such order shall not be complied with, the complainant may repair or rebuild the same in the manner set forth in said order, and when the same shall be completed to the satisfaction of such fence viewer, he shall ascertain the costs thereof and give a certificate of the same, including also his fees, to the complainant, who may demand of the party delinquent double the sum in said certificate mentioned. If the same be not paid within one month after demand thereof, the complainant may recover the same in an action on the case for money laid out and expended, with interest at the rate of twelve per cent. per annum.

Water fences, when to be maintained.

SEC. 7. Coterminous owners or possessors of land adjoining water, whenever their said land is under improvement, shall make and maintain a sufficient water fence to prevent trespass of each other's cattle, in the same manner as other partition fences are directed to be made by this chapter.

Disputes respecting partition fences, fence viewers to settle.

SEC. 8. Whenever any controversy shall arise about the rights of the respective occupants in partition fences and their obligation to maintain the same, either party may apply to a fence viewer of the town where the lands lie; who, after due notice to each party, may, in writing, assign to each his share thereof, and direct the time within which each party shall erect or repair his share of the same; which assignment, being recorded in the town clerk's office, shall be binding upon the parties and all succeeding owners and occupants of the lands, and they shall be obliged always thereafter to maintain their respective shares of said fence, until the rights of the respective parties shall be determined differently in some proper action.

Partition fences erected by agreement, &c., how held and improved, &c.;

SEC. 9. In all cases where partition fences are erected as one half part of the partition fence between proprietors or possessors of adjoining lands, or where the same may be hereafter erected by the agreement of the parties in interest or other lawful manner, the proprietors of the fences in either of the said cases erected, their heirs or assigns, shall hold and improve the same without molestation; and shall be forever afterwards excused from making other fence on such dividing line in all cases whatever, except by the special agreement of such parties to the contrary; all agreements which shall be made relating to such partition fences shall be registered in the town clerk's office in the town where such lands shall lie.

agreement to be recorded.

Party making more than his share, how paid, &c.

SEC. 10. Whenever the whole or more than one half of any partition fence shall have been made by the proprietor or possessor of the land on one side of the same, the proprietor or possessor of the land adjoining when he improves the same shall pay to the proprietor or possessor who made such fence, the value of so much of the fence erected as aforesaid as the same may exceed one half of the fence on the whole line; and in case of his refusal so to do, the value shall be ascertained by any fence viewer of the town where such land is situated, on application to him for that purpose.

Fence viewer, when to determine value, &c.

Proceedings in such cases.

SEC. 11. The fence viewer, on such application, shall forthwith cite the parties in interest on such dividing line, at a convenient time, to

view the fence; shall ascertain the value of the whole, and award the one half of such sum against the proprietor or possessor so refusing, with cost, and divide the whole fence between such parties, and make report into the town clerk's office, which division shall be permanent; and if any person against whom report shall be made as aforesaid shall refuse to pay the sum so reported, said sum, with costs, shall be recovered by the party aggrieved, against such person, by action of debt.

SEC. 12. If any fence viewer, to whom complaint shall be made against any person for a violation of any of the provisions imposed on him by this chapter, shall neglect or refuse to do the duty enjoined on him to do, such fence viewer so refusing shall forfeit five dollars for every such neglect; to be recovered by any person who shall sue for the same, in the town where such fence viewer shall live.

Fence viewer, penalty for neglect.

SEC. 13. Every fence viewer shall be allowed two dollars per day for viewing any fence on complaint made to him for that purpose; which fees shall be paid in the first instance by the person complaining to him; and in case there shall appear to be good cause of complaint, may be by him recovered back of the party complained against.

Fees of.

SEC. 14. All tracts of marsh land so situated and exposed to the flow and wash of the sea as to render it impracticable for the several owners thereof to keep up partition fences around the respective shares or lots, shall be exempted from the operation of this chapter.

Exemption of marsh lands.

SEC. 15. If any person shall permit any cattle, sheep, horses, or hogs to him belonging, to run upon any such tract of marsh land, the owner of such marsh land shall, for every such trespass, have all the remedies provided in other cases by the ninety-seventh chapter.

Remedy for trespasses by cattle, &c., on marsh lands.

CHAPTER 95.

OF POUNDS.

SECTION

1. Pounds to be maintained by each town.

SECTION

2. Penalty for neglect.

SECTION 1. Each town shall erect and maintain at its own charge one or more public pounds, for the impounding of horses, mules, neat-cattle, sheep, goats, geese, hogs, and asses, and for the securing of such animals, agreeably to law, in some convenient place or places in such town.

Towns to maintain pounds.

SEC. 2. Every town neglecting to erect or maintain a suitable public pound, for the purposes aforesaid, shall forfeit thirty dollars.

Penalty for neglect.

CHAPTER 96.

OF THE DISTRRAINT OF ANIMALS GOING AT LARGE.

SECTION

1. Cattle found at large may be impounded, where and by whom.
2. What animals, grazing on high-ways, deemed to be going at large.
3. When animals deemed going at large, on private ways in Newport.
4. Pound-keeper to receive and feed such animals.
5. Owner not to reclaim them until expenses, fees, and penalties are paid; fees of pound-keeper.

Cattle found at large, where, and by whom, may be impounded.

What animals grazing, &c., deemed going at large.

When, on private ways in Newport.

Pound-keeper, to receive and feed such animals.

Owner to pay fees and expenses before reclaiming.

Fees of pound keeper.

Penalties.

Penalties, how appropriated.

SECTION

6. Penalties, how appropriated.
7. Notifications to be set up, or notice in writing given to owner.
8. If no owner appears, pound-keeper to deliver such animals to town treasurer.
9. Town treasurer may sell after notice; proceeds, how appropriated.
10. Provisions of this chapter may be extended to goats and geese.
11. Fees and penalty in such case.

SECTION 1. If any horse, neat-cattle, sheep, or hog shall be going at large in any highway or common, any freeholder or qualified elector or field driver may, and every surveyor of highways of the town within which such animal is at large shall take up such animal, and impound the same in one of the public pounds of said town; and every such surveyor may appoint in writing a deputy or deputies for that purpose, filing in the town clerk's office a copy of such appointment.

SEC. 2. Any horse, neat-cattle, sheep, or hog, which shall feed or graze upon any highway or common, shall be deemed to be going at large.

SEC. 3. Horses, neat-cattle, sheep, and hogs shall be deemed to be at large within the meaning of the provisions of this chapter within the limits of any private way, within the city of Newport, without the consent of the owners of the fee in such private way; and such private way, for the purpose of authorizing the taking up and impounding of such animals, shall be deemed a common within the meaning of this chapter.

SEC. 4. The keeper of any pound in which any animal shall be impounded shall receive, keep and feed, such animals in such pound; and he shall and may duly milk any cow so impounded, for his own use.

SEC. 5. The owner of any animal so impounded shall not take the same out of the pound, until he shall first pay to the pound-keeper the expenses of keeping such animal (no regard being had to the milk derived from the same), and the pound-keeper's fees for receiving the same into the pound, viz.: for each horse and neat beast, twenty-five cents; for each sheep and hog, five cents; for every notification set up or notice given to the owner, twenty-five cents; and the following penalties, to wit: for every horse, neat beast, and hog, one dollar, and for every sheep, five cents.

SEC. 6. The pound-keeper shall pay one half of every sum received by him as a penalty, in pursuance of the next preceding section, to the town treasurer of the town in which the pound is situated, and the other half to the person who impounded the animal.

SEC. 7. After any animal shall have been impounded for forty-

eight hours, the pound-keeper shall immediately post up notifications in at least three public places in the same town with said pound, one of which shall be at or near the office of the town clerk of such town, describing the natural and artificial marks, if any, on such animal, or shall give notice in writing to the owner of such animal.

Notifications to be set up, or notice given owner.

SEC. 8. If no owner shall appear within five days from the date of such notification or notice, and pay the penalty and charges aforesaid, the said pound-keeper shall deliver the said animal to the treasurer of such town, with a statement in writing of the time and manner in which the said animal was impounded, and of the proceedings of such pound-keeper in relation to the same; together with an account of the charges and expenses due from the owner of such animal to said pound-keeper by virtue of this chapter.

Disposition of animals, if no owner appears within five days.

SEC. 9. If said treasurer shall find the proceedings of said pound-keeper correct, he shall sell said animal at public auction, after giving reasonable notice of such sale; and shall, out of the proceeds of the sale, pay the incidental expenses thereof, the cost of keeping such animal, after the same was delivered to him by the pound-keeper for sale, the expenses and charges aforesaid, the expenses and penalty aforesaid, and in the order above, if the proceeds of the sale be not sufficient to pay the whole thereof.

Town treasurer may sell after notice; proceeds, how appropriated.

SEC. 10. If any town shall vote to extend the provisions of this chapter to goats and to geese going at large within its limits, thereafter such goats and geese shall subject their owner to the same obligations and duties, and shall themselves be disposed of in the same way, as is, in this chapter provided, in relation to the animals therein named.

Provisions of this chapter may be extended to goats and geese.

SEC. 11. The pound-keeper's fees for receiving goats shall be four cents each, and for receiving geese, two cents each; and the penalty shall be twenty cents for each goat, and five cents for each goose.

Fees and penalty in such case.

CHAPTER 97.

OF THE DISTRAINT OF ANIMALS DOING DAMAGE.

SECTION

1. Cattle breaking through a lawful fence may be impounded, or damages may be recovered by action.
2. Damages, when animal is impounded, to be appraised, when and by whom.
3. Notice of impounding, when, to whom, and how given.
4. Pound-keeper, after notice, may sell such animal to satisfy damages and charges.
5. Proceeds of sale to be paid into town treasury.
6. Pound-keeper shall feed such animals, and retain them until owner pays for damages, &c.

SECTION

7. Fees of pound-keeper.
8. Person impounding may have his action for damages.
9. Owner may replevy.
10. Writ to be served, and cause heard like other civil actions before a justice court.
11. Bond to be given before service of writ.
12. Judgment in replevin, how entered.
13. Animals, how held in case of judgment for defendant.
14. Plaintiff to have judgment, if animals were unjustly taken.
15. Either party may appeal.
16. Cause may be removed to court of

SECTION

common pleas, when ; how to be disposed of.

17. Proceedings in cases of actions for damages against the owner.

SECTION

18. Animals breaking through, unlawful, &c., division fence, owner of fence liable.

Remedy if cattle break through lawful fence.

SECTION 1. If any neat-cattle, horses, sheep, or hogs shall break through a lawful fence into the enclosure of any person, the person aggrieved thereby may recover his damages, either by action against the owner of the trespassing beasts, or by impounding such beasts.

Damages, if animal is impounded, how appraised.

SEC. 2. The party aggrieved, in order to be entitled to recover damages by impounding, shall, within two days after such beasts break into his enclosure, get two freeholders of the town wherein the trespass is committed, to appraise the damage, and give a statement thereof in writing, under their hands, and shall lodge the same with the pound-keeper.

Notice of impounding, when, to whom, and how given.

SEC. 3. Whenever beasts are impounded, the pound-keeper shall, within forty-eight hours thereafter, give notice thereof in writing to the owner, if the owner shall be known to him and resides within six miles from the pound ; which notice shall be delivered to the owner or left at his place of abode, and shall contain a description of the beasts, and a statement of the time and cause of impounding ; and in case the owner shall not be so known or resides more than six miles from the pound, the person impounding shall post up such notice in three public places in the town in which the beasts are impounded.

Pound-keeper, when may sell such animal to satisfy damages and charges.

SEC. 4. If the owner of such beasts impounded as aforesaid shall not, within ten days after the impounding thereof, pay and satisfy the damages appraised as aforesaid, and the charges of impounding and feeding said beasts, or shall not replevy the same, the pound-keeper shall cause them to be sold by public auction in the town where they are impounded, first advertising the sale by giving personal notice to the owner of the beasts, if he is known, and if he is not known, by posting notices of such sale at least three days before the sale, in three public places in the town in which the beasts are impounded.

Disposition of proceeds of sale.

SEC. 5. The proceeds of sale, after paying all the said damages, costs, and expenses, with the costs of advertising and selling the beasts, shall be paid into the town treasury, for the use of the owner of said beasts, if he shall substantiate his claim thereto within two years from sale.

Pound-keeper to feed impounded beasts ; when may deliver to owner.

SEC. 6. The pound-keeper shall feed such beasts so impounded, at the charge of the owner thereof ; and he shall not deliver them to the owner until the owner pays him his fees, together with the sum demanded for damages, and all other legal costs and expenses.

Fees of pound-keeper.

SEC. 7. The pound-keeper shall be allowed as his fee for impounding, for each neat beast or horse, twenty-five cents ; for each hog or sheep, five cents ; and for each notification set up or notice given to the owner, twenty-five cents ; and ten cents per mile for travel in giving personal notice, to be computed from the pound to the place of service.

Person impounding may have action for damages.

SEC. 8. If the owner of such beasts so impounded shall, within two days after they are impounded, demand of and receive from the pound-keeper such beasts, and pay him his charges, and the person impounding has not lodged with the pound-keeper a statement of damages, he may have his action at law for such damages, *provided* he shall perform all the requisitions and proceedings mentioned in the second section of this chapter.

SEC. 9. Any person whose beasts are impounded may, if he see cause, maintain a writ of replevin therefor, to be sued out and prosecuted before the justice court of the town where they were impounded.

Owner may replevy.

SEC. 10. The writ shall be sued out, served, and returned, and the cause shall be heard and determined, in like manner as other civil actions before a justice court, in all particulars in which a different course is not prescribed.

Proceedings in such case.

SEC. 11. The writ shall not be served unless the plaintiff, or some one in his behalf, shall execute and deliver to the officer a bond to the defendant, with sufficient sureties, to be approved by the officer, in a penalty double the value of the beasts to be replevied, with condition to prosecute the replevin to final judgment, and to pay such damages and costs as the defendant shall recover against him, and also to return the said beasts in case such shall be the final judgment; which bond the officer shall return with the writ, to be left with the court for the use of the defendant.

Bond to be given before service of writ.

SEC. 12. If it shall appear that the beasts were lawfully impounded, the defendant shall have judgment for such sum as shall be found due from the plaintiff for the damages for which the beasts were impounded, together with all the legal fees, costs, charges, and expenses, and the costs of the action of replevin; or instead of such judgment the court may in its discretion enter judgment for a return of the beasts to the defendant, to be held by him irrepleviable by the plaintiff, and for defendant's damage for the taking thereof by the replevin, and for his costs of suit. In case the plaintiff in replevin shall not enter his suit in replevin, the defendant may file his complaint before the court, and have judgment against the plaintiff as above provided.

Judgment in replevin, how entered.

SEC. 13. Whenever the beasts are returned to the defendant pursuant to such judgment, they shall be held and disposed of in like manner as if they had not been replevied.

Disposition of animals, if judgment for defendant.

SEC. 14. If it shall appear upon the default of the defendant or otherwise, that the beasts were taken without sufficient or justifiable cause, the plaintiff shall have judgment for his damages caused by the unjust taking and detaining of the beasts, and for his costs of suit.

Judgment to be for plaintiff, when.

SEC. 15. Either party may appeal from the final judgment of the court, as in other civil actions tried before a justice court.

Appeal may be taken.

SEC. 16. Whenever the sum demanded for damages exceeds fifty dollars, or when the property in the beasts is in question, and their value exceeds that sum, or whenever title to real estate is brought in question, the case shall, at the request of either party, be transferred to the court of common pleas in the same county, and be there disposed of in like manner as civil actions before justice courts are disposed of, where title to real estate is brought in question by the pleadings.

When cause may be removed to court of common pleas.

SEC. 17. If the aggrieved person shall proceed by action against the owner or keeper of the trespassing beasts, he shall get two disinterested inhabitants of the same town wherein the trespass was committed to appraise the damages, and to give him a memorandum thereof in writing under their hands, which certificate shall be attached to his writ, and shall make an essential part thereof; and under no circumstances shall he recover of the defendant in such action, unless such appraisal and certificate shall be made within ten days of the time such trespass was committed, nor then to a greater amount of damages than the amount named in such certificate.

Proceedings in cases of actions for damages against the owner.

Animals breaking through unlawful, &c., division fence, owner of fence liable.

SEC. 18. Nothing in this chapter contained shall be construed to impair the right of any proprietor or occupant of land to recover all the damages which he shall sustain by any cattle, sheep, horses, or hogs breaking into his land, through that part of the division fence between him and the adjoining owner, which it is the right and duty of such adjoining owner to repair, if such part of said division fence shall at the time be out of repair, or not conformable to law.

CHAPTER 98.

OF ESTRAYS.

SECTION

1. Animals found doing damage may be taken up, if owners are unknown; notice to be given to town clerk.
2. Town clerk to set up notices of such estray, and publish the same.
3. Estray to be kept thirty days; horse to have a withe about his neck.
4. Owner to have estray within thirty days on paying charges.
5. Differences between the parties may be referred.

SECTION

6. Proceedings in case the owner does not appear within thirty days.
7. Penalty for not proceeding as required by this chapter.
8. Person taking up an estray may use it after notice to town clerk.
9. Town clerk to keep record of his proceedings, pay money received for estrays into the town treasury; fees of town clerk.
10. This chapter not to extend to any town where other provision is made by law.

When animals doing damage may be taken up.

Notice.

Notifications to be set up by town clerk.

Estray to be kept thirty days; horse to have withe, &c.

Owner may have estray, paying charges, &c.

Differences may be referred.

SECTION 1. If any person shall find any horse, neat beast, sheep, or hog on his land, doing damage, not knowing to whom the same belongs, he may take up such animal as an estray, and within two days thereafter he shall repair to the town clerk of the town in which the same was taken up and give notice thereof.

SEC. 2. The town clerk shall thereupon cause to be made three notifications attested under his hand, setting forth the natural and artificial marks of such animal: one of which notifications he shall cause to be set up in some public place in the said town, and the other two in some public places in the next two towns in the state, and shall also cause such notifications to be published in one of the newspapers printed in the town nearest to that in which such estray shall be taken up.

SEC. 3. Every animal so strayed and taken up shall be kept by the person who took it up, thirty days, and if it be a horse, shall have a withe kept about his neck the whole of said time.

SEC. 4. Any person laying just claim to such animal may, at any time within the thirty days, have the same again, upon paying the just and reasonable charges of keeping, and notifying as aforesaid, over and above the actual benefit derived from the use of the same.

SEC. 5. In case any difference shall arise between the said parties about the charge of keeping such animal, the same may be referred to the justice court within said town, which shall hear and determine the same, and tax costs as in other cases.

SEC. 6. In case no owner shall appear within said thirty days, the

person who took up said animal shall repair to the town clerk, taking with him two electors of the neighborhood, who shall be, by the town clerk, engaged to make a faithful and true appraisal of said animal; and the person who took up said animal shall pay the sum said animal shall be appraised at, after all just charges are deducted, into the hands of the town clerk, failing to pay which, the same shall be sold at public auction, after reasonable notice, under the direction of said town clerk for the payment of said charges, and, in either case, the balance shall be retained for the use of the owner.

Proceedings, owner not appearing within thirty days.

SEC. 7. Every person taking up any such animal and not proceeding as is by this chapter required, shall forfeit twenty-five dollars; one half thereof to the use of the town where the offence shall be committed, the other half to the use of him who shall sue for the same.

Penalty for not proceeding as here required.

SEC. 8. The person who shall take up any such animal may lawfully use the same during the time it may be in his possession, after he has given notice thereof to the town clerk, as required in the first section of this chapter.

Person taking up may use estray after notice.

SEC. 9. Every town clerk shall keep a fair record of all his proceedings under this chapter, and shall pay all moneys by him received for any such estrays, and for which no owner appears, into the town treasury, immediately on receipt thereof; and the town clerk shall be paid for every notice posted up or printed as aforesaid, twenty-five cents; and if no owner appear, and it be appraised and he give a certificate as aforesaid, he shall have twenty-five cents therefor.

Duties of town clerk.

SEC. 10. The provisions of this chapter shall not extend to any town where other provisions on this subject are made by law.

When towns excepted, &c.

TITLE XVI.

OF THE INSPECTION AND SALE OF CERTAIN MERCHANDISE.

- CHAPTER 99. Of the inspection of beef and pork.
- CHAPTER 100. Of the inspection of hides and leather.
- CHAPTER 101. Of the inspection of lime.
- CHAPTER 102. Of the inspection of fish.
- CHAPTER 103. Of the inspection and survey of lumber.
- CHAPTER 104. Of the inspection of hoops.
- CHAPTER 105. Of the inspection of scythe stones.
- CHAPTER 106. Of the inspection of saleratus, soda, and cream of tartar.
- CHAPTER 107. Of the measure and sale of grain, meal, salt, and sea-coal.
- CHAPTER 108. Of the sale of cotton.
- CHAPTER 109. Of thread.
- CHAPTER 110. Of cables.
- CHAPTER 111. Of the sale of oils.
- CHAPTER 112. Of the inspection, sale, and keeping of inflammable and explosive fluids.
- CHAPTER 113. Of the weight of neat-cattle.

- CHAPTER 114. Of the sale of butter, onions, potatoes, and berries.
- CHAPTER 115. Of milk.
- CHAPTER 116. Of the sale of firewood and charcoal.
- CHAPTER 117. Of the sale of fish for manure.
- CHAPTER 118. Of the assay and inspection of liquors.
- CHAPTER 119. Of medicines and poisons.
- CHAPTER 120. Of hay.

CHAPTER 99.

OF THE INSPECTION OF BEEF AND PORK.

SECTION

- 1. Inspector to give bond.
- 2. May appoint deputies for counties, who shall give bonds.
- 3. Answerable for deputies; may remove them.
- 4. County inspectors may appoint town inspectors, who shall give bonds.
- 5. Deputies may act, though office of inspector vacant.
- 6. Beef and pork to be packed and inspected.
- 7. How beef shall be cut and put up.
- 8. How sorted and divided. Mess, prime, and cargo beef, defined.
- 9. How salted.
- 10. Three qualities of pork, clear, mess, and prime.
- 11. Refuse pieces, what.
- 12. Barrel of pork, how salted and branded.
- 13. Casks, how made.

SECTION

- 14. How branded.
- 15. Weight of beef and pork to the barrel.
- 16. Penalty for sale of beef and pork without inspection.
- 17. Fees for inspection, and certificates.
- 18. Penalty for alteration of contents of cask inspected.
- 19. How inspectors shall proceed in packing; penalty for use of weights not sealed.
- 20. Penalty on deputy or assistant acting outside of town or county for which appointed, and on person assuming functions of.
- 21. Fees of inspectors and assistants.
- 22. When inspectors may perform duties in adjoining towns.
- 23. Penalty on inspectors for fraud.
- 24. Act for inspection of beef and pork in Providence, not repealed.

Inspector to give bond.

SECTION 1. The inspector of beef and pork shall, before entering on the duties of his office, give bond, with sufficient surety, to the general treasurer, in the penal sum of one thousand dollars, for the faithful discharge thereof.

May appoint deputies for counties.

SEC. 2. He may appoint a deputy inspector in each county, who shall be sworn to the faithful discharge of his duty, and shall give bond therefor to the inspector and his successors in office, with sufficient surety, in a penal sum not exceeding five hundred dollars.

Answerable for, and may remove them. Deputies may appoint town inspectors.

SEC. 3. The inspector shall be answerable for the conduct of his deputies, and may remove them at his pleasure.

SEC. 4. The deputy inspector in each county may appoint, in the several towns therein, such number of assistant inspectors as shall be necessary, who shall be sworn to the faithful discharge of their duties, and shall give bonds therefor, with sureties, to the deputy inspector appointing them, in a penal sum not exceeding one hundred dollars.

Vacancy; deputies to continue.

SEC. 5. In case of a vacancy in the office of inspector, the deputy inspectors and their assistants shall continue in office until the next annual election.

SEC. 6. No person shall sell, ship, or export for sale from this state, any salted beef or pork, except in casks of the quality and dimensions hereinafter provided, nor unless the contents thereof shall be inspected and packed and the casks containing the same branded, agreeably to the directions in this chapter, unless a special contract be made respecting the same.

Beef and pork to be packed and inspected.

SEC. 7. All beef put up in casks for sale or exportation shall be of fat cattle. It shall be cut in pieces as nearly square as may be, which shall not exceed eight pounds weight, nor be less than four pounds.

How beef shall be cut and put up.

SEC. 8. All beef which the inspector, deputy inspector, or assistant, shall find on examination to have been killed of a proper age, to be fat and otherwise good and merchantable, shall be sorted and divided by him into three different sorts for packing into casks, to be denominated mess, prime, and cargo.

How sorted and divided.

Mess beef shall consist of the choicest pieces of an ox or steer well fattened, not under three years old, and weighing six hundred pounds and upwards; the shin, shoulder clod, and neck shall be taken from the fore quarter, and the leg and leg round from the hind quarter; and each cask containing beef of this description shall be branded on one of the heads with the words "mess beef."

Mess beef.

Prime beef shall consist of choice pieces of oxen, steers, cows, and heifers, not under the age of three years, nor under four hundred pounds weight, and to average five hundred pounds weight without any necks or shanks; on one head of each cask containing beef of this description shall be branded the words "prime beef."

Prime beef.

All other fat cattle of two years old and upwards, and all other parts of cattle that are not above described, which shall be packed, shall be branded on one head with the words "cargo beef."

Cargo beef.

SEC. 9. Every cask shall be well salted with seventy-five pounds of clean St. Ubes, Isle of May, Lisbon, or Turks Island salt, or eighty pounds of coarse Liverpool salt, or other salt of equal quality, exclusive of pickle made of fresh water, as strong as salt will make it, for every two hundred pounds weight of beef that each cask may contain, and two ounces of saltpetre for every one hundred pounds of beef.

How salted.

SEC. 10. There shall be three qualities of pork, distinguished by the name of "clear," "mess," and "prime."

Three qualities of pork.

Clear pork shall consist of middling pieces taken from well fattened hogs weighing not less than two hundred and fifty pounds, excluding head, neck, shoulders, legs, the chine bone, the spareribs, the lean and the blades from the back and shoulders.

Clear pork.

Mess pork shall consist of hogs well fattened, weighing not less than two hundred pounds, excluding the head, neck, legs, and shoulders.

Mess pork.

Prime pork shall consist of hogs well fattened, of not less than one hundred pounds weight, including in each barrel three shoulders and one head and a half, not weighing more than twenty-four pounds, and excluding no part of a hog not declared refuse.

Prime pork.

SEC. 11. The following parts of every hog shall be deemed refuse, and shall not be put into any cask of pork inspected, to wit: nose pieces, ears, brains, tails, feet, lard, and faces when separated from the cheek.

Refuse.

SEC. 12. Each barrel of pork shall be salted and pickled with the same weight of salt and the same kind of pickle as is in this chapter provided for packing and inspecting beef; and each cask, when so inspected and packed or repacked, shall be branded in the same man-

Barrel of pork, how salted and branded.

- ner as is herein prescribed for branding beef, designating the different qualities or denominations herein described.
- Casks, how made.** SEC. 13. Every cask in which mess beef, or in which clear or mess pork shall be packed, shall be made of good seasoned white oak or white ash staves, and heading not less than five eighths of an inch in thickness, free from sap and every defect; to be covered three fourths of the length with good hoops, leaving one fourth in the centre; the hoops to be well set and drawn together; but casks containing prime beef and cargo beef, or prime pork, may be hooped with only twelve hoops, which shall be well secured with not less than three pins on each bulge.
- How branded.** SEC. 14. On the head of every cask in which beef or pork is packed shall be branded the weight it contains, which shall be only even hundreds, with the first letter of the christian name and the surname at length of the inspector who has inspected the same, with the name of the town where it was inspected, and "Rhode Island," in legible letters not less than three fourths of an inch long.
- Weight of beef and pork to the barrel.** SEC. 15. Two hundred pounds of beef shall be considered and taken as a barrel of beef; and two hundred pounds of pork shall be considered and taken as a barrel of pork.
- Penalty for sale of, without inspection.** SEC. 16. If any person shall sell or offer for sale any salted beef or pork in casks, before it shall have been inspected and branded as aforesaid, unless there shall be a special contract in relation to the kind and quality of the article sold, he shall forfeit twenty dollars for each cask.
- Fees for inspection and certificate.** SEC. 17. For each and every certificate given by the inspector, deputy inspector, or assistant, for beef or pork inspected, he shall receive twenty-five cents, to be paid by the person calling for the inspection; and they are severally required to give such certificate whenever requested.
- Penalty for alteration of contents of inspected cask.** SEC. 18. If any person shall knowingly intermix, take out, or shift any beef or pork out of any cask inspected or branded as by this chapter is required, or put in any other beef or pork for sale, contrary to the intent hereof, he shall, for each and every offence, forfeit one hundred dollars.
- How inspectors shall proceed in packing;** SEC. 19. Whenever any inspector, surveyor, or packer shall be requested to cut, pack, or repack any beef or pork in any store, yard, or place, other than his customary store or yard, the owner or owners of such beef or pork shall, without delay, furnish all materials and conveniences necessary to perform the same, excepting the tools of such inspector, surveyor, or packer, who shall not be liable to any expense for the use of the store, yard or place wherein such beef or pork shall be deposited; and in case any inspector or packer shall in the discharge of his office use any steelyards or weights which shall not have been tried and sealed according to law, he shall for each offence forfeit twenty-five dollars.
- penalty for use of weights not sealed.** SEC. 20. Every deputy or assistant who shall inspect or brand any cask of beef or pork out of the town or county for which he shall be appointed, shall forfeit one hundred dollars; and if any person other than the said inspector, his deputy or assistant, shall stamp or brand any cask of beef or pork in manner directed by this chapter, he shall forfeit fifty dollars for each and every cask so unlawfully branded.
- Penalties upon inspectors and others.** SEC. 21. The inspector shall have ten cents for every barrel inspected by him, and the deputy in each county shall have ten cents for each barrel of beef or pork inspected as aforesaid in the county whereof he shall be inspector; and each assistant inspector shall have
- Fees of inspectors and assistants.**

for his services in cutting, weighing, packing, salting, pickling, heading, and branding each barrel of beef or pork, fifty cents; and for performing the same exclusive of cutting, he shall receive for each barrel twenty-five cents, to be paid by the owner thereof.

SEC. 22. Every deputy inspector shall, on any special occasion, be authorized to send an assistant inspector from the town in which such assistant resides into an adjoining town, to perform the duties of his office in said town.

Assistants may be sent to adjoining town.

SEC. 23. If the inspector, or any deputy inspector or assistant, appointed by virtue of this chapter, shall be guilty of any neglect or fraud in inspecting any beef or pork contrary to the true intent or meaning of this chapter, or shall mark with their respective brands any cask containing beef or pork which has not been actually inspected, he shall forfeit fifty dollars for each and every offence.

Penalties on inspectors for fraud.

SEC. 24. This chapter shall not be construed to repeal or to affect an act entitled An act authorizing the city of Providence to elect an inspector of beef and pork for said city, passed June 29th, 1833, nor the inspection of beef and pork in said city: *Provided*, the inspection be conformable to this chapter.

Act for inspection in Providence not repealed.

CHAPTER 100.

OF THE INSPECTION OF HIDES AND LEATHER.

SECTION

1. Town councils, and city councils of Providence and Newport may annually elect inspector of hides and leather; inspector to be sworn.

SECTION

2. Duties of inspectors.
3. Fees of inspectors.
4. Penalty on inspectors for wrongly stamping hides or leather.

SECTION 1. There may be annually elected by the town councils of the several towns, and by the city councils of Providence and Newport, an officer to be denominated an inspector of hides and leather, who shall be sworn to the faithful discharge of his duties.

Town and city councils may elect annually, &c.

SEC. 2. Such inspectors shall examine and inspect all hides and leather which they may be called upon to inspect, within their respective towns or cities, and stamp upon the hides or leather so inspected the quality thereof, as rated in the hides and leather trade, together with the name of the inspector and date of inspection.

Duties of inspectors.

SEC. 3. The fees of the inspector shall be at the rate of one dollar per hour for each hour actually employed, to be paid by the person employing him: *Provided*, that not more than five hours shall be paid for by one employer for the same day.

Fees of.

SEC. 4. Every inspector, appointed under the provisions of this act, who shall wilfully stamp any hides or leather as of a grade above or below that at which it is properly ratable, shall forfeit and pay a penalty of one hundred dollars, and be liable to an action at law for damages to the party injured thereby.

Penalty on, for wrongly stamping hides or leather.

CHAPTER 101.

OF THE INSPECTION OF LIME.

SECTION

1. Dimensions of lime casks.
2. Qualities of lime, how to be designated and branded.
3. Inspector may appoint deputies.
4. Duties of inspector.
5. Fees of inspector.

SECTION

6. Penalty for selling or exporting, casks of lime not branded.
7. Penalty for branding lime falsely.
8. Penalty for counterfeiting brand, and for refilling cask without erasing brand.

Dimensions of lime casks.

SECTION 1. All stone lime which shall be burnt in this state shall be offered or exposed to sale in casks of sufficient dimensions, to contain thirty-one and one half gallons, and hooped with not less than eight good hoops; and each cask shall be well filled with lime.

Qualities of lime, how to be designated and branded.

SEC. 2. The various qualities of lime shall be designated by the following names, viz.: "jointa," "first quality," "second quality," "refuse;" and shall also be designated with the names of the present owners of the ledges of rock from which the same shall be burnt; and be so branded that the name of the owner of the ledge and the quality of the lime shall form one brand, and be made by one impression; which brand shall be used by the inspector or his deputies only. Each cask shall also be branded with the word "inspected," and with the initials of the name of the person branding the same.

Inspector may appoint deputies.

SEC. 3. The inspector of lime may appoint one or more deputies, who shall be sworn to the faithful discharge of the duties of their office.

Duties of inspector.

SEC. 4. The inspector and his deputies shall see that the casks are of lawful size and properly filled and branded, as herein provided.

Fees of.

SEC. 5. The burner of lime shall pay the inspector or his deputy for inspecting and branding, filling not included, the sum of two cents for each and every cask he may inspect, and for filling the same, two cents in addition.

Penalty for selling, &c., casks not branded.

SEC. 6. Every person who shall offer for sale in, or export from, this state, any cask of stone lime burnt therein which shall not have been branded as required by this chapter, shall forfeit ten dollars.

Penalty for branding falsely.

SEC. 7. Every inspector or deputy inspector who shall brand any lime cask contrary to the provisions of this chapter, shall forfeit five dollars for each cask so branded.

Penalty for counterfeiting brand, refilling branded casks, &c.

SEC. 8. Every person who shall counterfeit the brand of any inspector or deputy inspector appointed as aforesaid, or shall imprint any cask of lime with his brand, or shall fill any cask a second time which has before been filled and branded, without first causing the former brand to be cut out, shall forfeit one hundred dollars for every cask so branded or so filled.

CHAPTER 102.

OF THE INSPECTION OF FISH.

SECTION

1. Duties of packers of fish.
2. Packers to give bond.
3. Casks to contain only one kind of fish.
4. Dimensions of casks; how filled.
5. Casks, how to be branded.
6. Numbers to denote quality of fish.
7. Fish brought from other states, by

SECTION

- fishermen, &c., excepted from provisions of this chapter.
8. Penalty for sale of fish not approved and branded.
9. Penalty for altering contents of branded cask or imitating brand.
10. Penalty for fraud.
11. Fees of packers of fish.

SECTION 1. In every town in which pickled fish are packed up for sale or exportation from this state, the packers of such town shall see that the same have been properly pickled; that they are properly repacked in casks, in good shipping order, with good salt, sufficient in each cask to preserve such fish from damage to any foreign port.

Duties of packers of fish.

SEC. 2. Every packer shall give bond to the town treasurer of the town in which he shall be appointed, in the sum of one thousand dollars, with sufficient surety or sureties, to the satisfaction of such town treasurer, for the faithful performance of the duties of his office.

Packers to give bond.

SEC. 3. Pickled fish, whether codfish, mackerel, menhaden, herrings, or other fish, shall be sorted, and one kind only be put into one cask.

Casks to contain one kind only.

SEC. 4. Every cask shall be well seasoned, and bound with twelve hoops; those for menhaden and herrings of the capacity to hold twenty-eight gallons; and those for other fish of the capacity, if a barrel, to hold two hundred pounds, and if a half barrel, one hundred pounds weight of fish; each cask to be full, and the fish sound and well cured.

Dimensions of; how filled.

SEC. 5. Every cask being first searched, examined, and approved by a packer, shall, when packed or repacked for exportation, be branded legibly on one head with the kind of fish it contains, and the weight thereof; or the capacity of the cask, with the first letter of the christian and the whole of the surname of the packer, with the name of the town, and with the word "Rhode Island," in letters not less than three fourths of an inch long, to denote that the same is merchantable, and in good order for exportation.

How to be branded.

SEC. 6. Every cask of pickled codfish and mackerel offered for sale or for exportation from this state, shall also be branded No. 1, No. 2, or No. 3, to denote the quality of such fish.

Numbers to denote quality of fish.

SEC. 7. Nothing in this chapter contained shall hinder any fisherman or owners of fish coming to this state from their fishing trips, from selling or reshipping their fish to any other of the United States, without being packed into barrels or half barrels.

Exception of fishermen, &c.

SEC. 8. Every person who shall offer for sale in or attempt to export from this state, any pickled fish which have not been approved by a sworn packer, or in casks which are not branded as aforesaid, shall forfeit fifty dollars for each offence.

Penalty for sale of fish not approved and branded.

SEC. 9. Every person who shall shift any fish from any cask after the same has been branded by the packer, and shall offer to sell or export the same from this state, or shall brand any cask into which the same shall be shifted, or shall brand any cask with the branding-

Penalty for altering contents of branded cask, or imitating brand.

iron of a packer, or with any iron made in imitation thereof, shall forfeit not less than thirty dollars, nor more than one hundred and sixty dollars for each offence.

Penalty for fraud.

SEC. 10. Every packer who shall be guilty of any fraud or neglect in packing any fish contrary to this chapter, or shall brand any cask not thoroughly examined according to the provisions thereof, shall forfeit fifty dollars for each offence.

Fees of packers of fish.

SEC. 11. The packers of fish shall be paid for opening, assorting, inspecting, weighing, pickling, packing or repacking, heading up, nailing, and giving a certificate, if pickled codfish or mackerel, twenty cents for every barrel, and fifteen cents for every half barrel, by the owner thereof: *Provided*, that for all pickled codfish or mackerel which have been inspected in some one of the United States, and which shall not in the judgment of the packer require repacking, the said owner shall pay to the packer twenty cents only, for unheading, inspecting, reheading, branding, nailing, and giving a certificate thereof; and for all other except codfish and mackerel, the owner thereof shall pay the packer twenty-five cents for every cask.

CHAPTER 103.

OF THE INSPECTION AND SURVEY OF LUMBER.

SECTION

1. Surveyor of lumber for Providence, how and when elected; term of office.
2. To give bond.
3. May appoint deputies.
4. Deputies to give bond, be sworn, and be removable, when.
5. Returns of surveyor, when and how made and published.
6. Surveyors may be elected in Newport, when and how.
7. Surveyors and measurers subject to all the duties, provisions, and penalties of this chapter.
8. Surveyors to keep record.
9. All lumber delivered in this state to be inspected.
10. Six sorts of soft pine boards; No. one, No. two, No. three, No. four, No. five, and No. six; description of each, and how each to be marked.
11. Boards less than three fourths of an inch thick, how surveyed and measured.
12. Planks and joists, how surveyed and measured.
13. Two sorts of boards, &c., of Southern hard pine, spruce, &c.,

SECTION

- "merchantable" and "refuse;" description.
14. Two sorts of hard wood boards, &c., "merchantable" and "refuse;" description.
15. Deputies to survey ornamental wood and lumber, and give bond.
16. Mahogany and cedar timber, how surveyed.
17. Ornamental wood and lumber, what "merchantable" and what "refuse."
18. How contents of boards, &c., to be marked.
19. Marks for "merchantable" and for "refuse."
20. How boards, &c., to be sold.
21. Fees for surveying lumber.
22. Fees of surveyor.
23. Survey on board of a vessel prohibited if lumber can be landed.
24. Dealing in lumber not surveyed prohibited, except when intended for exportation, &c.
25. Exception of person importing for his own use.
26. Exception in favor of person transshipping lumber.

SECTION

- 27. Penalty for dealing in lumber not surveyed; how recovered.
- 28. Penalty for defacing, &c., any surveyor's marks; how recovered.
- 29. Penalty for fraud in surveying.
- 30. Penalty on surveyor for neglecting duties.
- 31. When reinspection may be required.

SECTION

- 32. Penalties for errors in original survey.
- 33. Expenses of reinspection, how paid.
- 34. This chapter not applicable to lumber made in any town in this state.

SECTION 1. There shall be a surveyor of lumber for the city of Providence, who shall be well skilled in the surveying and admeasurement of lumber; he shall be elected in the month of February annually, by the city council of said city, and shall hold his office for one year and until a successor be chosen, unless sooner removed.

Surveyor for Providence, how and when elected; term of office.

SEC. 2. Such surveyor shall, before entering upon the duties of his office, give bond with two sureties to the city treasurer, in the sum of two thousand dollars, for the faithful discharge of his duties.

To give bond.

SEC. 3. Such surveyor shall have power to appoint, subject to the approval of the city council of said city, such number of deputy surveyors, not less than six, as he may judge sufficient, for whose official conduct he shall be answerable.

May appoint deputies.

SEC. 4. Such surveyor shall take bonds from said deputies for the faithful discharge of their duties, in the sum of five hundred dollars each, with surety; and the deputies shall be sworn faithfully to perform the same; and shall be removable by the surveyor, for neglect of duty.

Deputies to give bond, be sworn, removable for neglect.

SEC. 5. The surveyor shall make return to the city council of the city of Providence, on the first Monday in February annually, of all lumber surveyed by himself or his deputies; specifying the various kinds and qualities, and by whom surveyed, and the amount of all fees received by him and his deputies pursuant to this chapter. And the said city council shall cause said returns to be published in one of the newspapers published in said city.

Returns of surveyor, when and how made and published.

SEC. 6. The city council of the city of Newport shall annually, in the month of February, elect one or more surveyors and measurers of boards, planks, timber, joist, and scantling, removable at the pleasure of said city council, who shall each give bond, with surety, in the sum of one thousand dollars, to the city treasurer, for the faithful discharge of the duties of said office.

Surveyors may be elected in Newport, when and how.

SEC. 7. Every surveyor and measurer of boards, planks, timber, joist, and scantling, appointed by the town council of any town, or by the city council of the city of Newport, shall be subject to all the duties, provisions, and penalties contained in this chapter.

Subject to provisions of this chapter.

SEC. 8. Every surveyor and measurer shall keep a true and faithful record of all surveys of lumber made by him, together with all figures made by him in taking an account of the same, and said record shall be open to the inspection of all persons.

Surveyors to keep record.

SEC. 9. All lumber brought by water, or imported, discharged, or delivered in this state, whether on the land or into a boat or vessel, except as hereinafter provided, shall be surveyed and admeasured according to the provisions of this chapter.

Lumber delivered in state to be inspected.

SEC. 10. In the surveying of soft pine boards there shall be six sorts:

Six sorts of soft pine boards.

The first sort shall be denominated No. 1, and marked I.; and shall

No. 1.

include boards free from sap, rot, knots, shakes, and splits, not less than one inch thick, square-edged, and shall contain not less than sixteen feet in quantity.

No. 2. The second sort shall be denominated No. 2, and marked II.; such lumber shall not have over one inch sap on the edges, and shall be free from shakes, rot, and knots, square-edged, and not less than seven eighths of an inch thick.

No. 3. The third sort shall be denominated No. 3, and marked III. Lumber of this sort shall be free from rot and shakes, and nearly free from sap and knots.

No. 4. The fourth sort shall be denominated No. 4, and marked IIII. Lumber of this sort shall be free from rot, shakes, and large knots, suitable for cheap finish and dressing lumber.

No. 5. The fifth sort shall be denominated No. 5, and marked V. Lumber of this sort shall be square-edged, free from rot and shakes, and suitable for barn and box boards.

No. 6. The sixth sort shall be denominated No. 6, and marked X. Such lumber is not required to be square-edged, and may have rot, shakes, knots, and sap.

Boards less than $\frac{3}{4}$ inch thick, how surveyed.

SEC. 11. All boards less than three fourths of an inch thick, shall be surveyed and measured in the same manner, as to quality, quantity, and numbers, as though they were of the thickness of one inch.

Planks and joists, how.

SEC. 12. All planks and joists shall be surveyed as to quality and numbers, the same as boards, and their contents measured and marked in board measure.

Southern hard pine, &c., two sorts; merchantable;

SEC. 13. In the survey of Southern hard pine, spruce, hemlock, and juniper boards, plank, and sawed and hewed timber, there shall be two sorts: the first sort shall be denominated "merchantable," and shall include all boards, plank, joist, and timber that are sound and square-edged and well sawed; the second sort shall be denominated "refuse," and shall include all other descriptions, with due allowance for rot.

refuse.

Hard wood boards, &c., two sorts; merchantable.

SEC. 14. In the survey of ash, maple, and other hard wood boards, planks, joists, and timber, there shall be two sorts: the first sort shall be denominated "merchantable," and shall include all boards, plank, joists, and timber that are sound and free from bad knots, and free from shakes and rot; the second sort shall be denominated "refuse," and shall include all other descriptions, with due allowance for rot.

refuse.

Deputies to survey ornamental boards, &c.

SEC. 15. The surveyer of lumber for any city may appoint one or more deputy surveyors, whose duty it shall be to survey mahogany, cedar, and cherry-tree boards, plank, joist, and timber, and other ornamental or hard woods lumber, and ship timber, and such deputy shall give bond with surety, as is required in the fourth section of this chapter.

Mahogany and cedar timber, how surveyed.

SEC. 16. In the survey and admeasurement of mahogany and cedar timber, there shall be allowed, if the same is sound and free from wane, two inches on one side of the square, and one inch on the other side, and two inches in length; and when the timber is wider on the one side than on the other, the two inches shall be taken from the narrow side; if wany, two inches on each side of the square; and for rot and shakes there shall be such allowance made as the surveyor may deem expedient, not exceeding one half. All such timber that is worm-eaten, much rotten, badly shaken, or very wany, shall be denominated "refuse," and due allowance shall be made for rot.

SEC. 17. In the survey and admeasurement of mahogany, cedar, and cherry-tree boards, planks, and joist, and other ornamental wood and lumber, such as are sound and free from bad knots and shakes shall be denominated "merchantable"; all others shall be denominated "refuse," and due allowance shall be made for rot and shakes.

Ornamental wood and lumber;
merchantable;
refuse.

SEC. 18. In the survey of all boards, plank, joists, and timber, the contents of the same in board measure shall be truly marked thereon in plain and durable numbers, and all other marks, if not correct, shall be erased; and in marking the contents of any lumber, the board measure marks commonly used in marking boards shall be used, and no other.

How contents of boards, &c., to be marked.

SEC. 19. The merchantable lumber shall be marked thus, Δ ; and the refuse lumber shall be marked χ , and shall be plainly and durably marked on each piece; deduction shall be made for splits, not exceeding in any case one half the extent of the split.

Marks for merchantable and refuse.

SEC. 20. All boards, plank, joist, and timber shall be received and sold according to the contents thereof, as fixed and marked under the provisions aforesaid.

Boards, &c., how sold.

SEC. 21. There shall be paid for the survey of all lumber excepting hard woods, twenty-five cents per thousand feet board measure; for mahogany, cedar, cherry-tree timber, boards, plank, and joists, fifty cents per thousand feet board measure; for oak and other hard woods for ship-building, twenty-five cents per ton; for ash, maple, birch, and other hard wood, forty cents per thousand feet board measure, to be paid by the purchaser, and in case the purchaser shall require that a person should be employed to keep tally of the lumber, an additional fee of five cents per thousand feet shall be paid for said service. All piece and dressed lumber shall not be surveyed, unless requested by the purchaser.

Fees for surveying lumber.

SEC. 22. There shall be paid to the surveyor, of the fees aforesaid, for his own use, three cents on every thousand feet of pine, spruce, hemlock, and juniper boards, plank, joist, and sawed timber; four cents on every ton of oak and other ship timber; six cents on every thousand feet, board measure, of mahogany, cedar, and other ornamental lumber, ash, maple, birch, and other hard wood.

Fees of surveyor.

SEC. 23. No lumber shall be surveyed on board of a vessel, when the same can be conveniently landed for the inspection of the surveyors.

No survey on vessel, when, &c.

SEC. 24. No person within this state shall sell, purchase, or take the delivery of, whether purchased without the state or within it, or for their own personal use or otherwise, any boards, plank, joist, or timber, brought into said state, unless the same shall be surveyed, marked, and numbered, conformably to the provisions of this chapter, except such as are intended to be exported beyond sea, and are shipped for the purpose of such exportation within one year after the same have been sold and delivered to the person first purchasing, or receiving the same, in said state.

Dealing in lumber not surveyed, prohibited, except for export, &c.

SEC. 25. Every person importing or purchasing lumber for his own private use and benefit, upon giving a certificate to that effect to the surveyor, shall not be required to have the same surveyed and measured as aforesaid; but should he dispose of it in any other manner than is provided in this section, he shall be liable to the same penalties as though said certificate had not been given.

Exception of person importing for his own use.

SEC. 26. Every person purchasing lumber without the state, and transshipping the same through this state to any other state, shall not be required to have the same surveyed and measured.

Of person transshipping lumber.

Penalty for dealing in lumber not surveyed;

how recovered;

Penalty for defacing, &c., surveyor's marks.

Penalty for fraud in surveying.

Penalty for neglecting duties.

Reinspection, when may be required.

Penalties for errors in original survey.

Expenses of reinspection, how paid.

Exception of lumber made in this state.

SEC. 27. If any person shall sell, purchase, deliver, or take the delivery of, any boards, plank, joist, or timber, in violation of any of the provisions of this chapter, he shall forfeit for all boards, plank, joist, and timber so sold, purchased, or delivered, one dollar per thousand feet, board measure, and the same for any less amount; one half thereof to the use of the state, and the other half to the use of the surveyor of the town or city in which the same shall be taken or delivered, who shall prosecute for all violations of this chapter that shall come to his knowledge.

SEC. 28. If any person shall wilfully cross, alter, or deface any mark affixed to any lumber, by any deputy surveyor, he shall forfeit not less than fifty dollars, to be recovered by the surveyor, and to enure as provided in the next preceding section.

SEC. 29. If any person appointed to office under this chapter, or his deputy, shall connive at any fraud or deception in surveying, marking, or numbering the contents of any boards, plank, joist, or timber, he shall forfeit for each offence not less than fifty dollars.

SEC. 30. If any surveyor or his deputy, on due notice and request, shall wilfully neglect or refuse to perform the duties enjoined by this chapter, he shall forfeit for each offence not less than ten dollars, nor more than fifty dollars.

SEC. 31. If any person shall be dissatisfied with the survey and admeasurement of any lumber purchased or sold by him, by any deputy appointed by the surveyor, he may require the surveyor, with one or more deputies, at the option of the surveyor, to reinspect the same.

SEC. 32. If, upon such reinspection, an error shall be found in the survey above the amount of five dollars, the person who surveyed the lumber shall receive no compensation for his services; and shall be liable to forfeit for such error not less than ten dollars, nor more than twenty dollars; and the surveyor, and his deputy or deputies in other cases, shall receive for their compensation twenty-five cents per thousand feet, to be paid by the purchaser.

SEC. 33. The expense of overhauling lumber for the purpose of reinspection, and of the reinspection, shall be paid by the person requiring the same; and in all such cases the compensation therefor shall be equally divided among the surveyor and his deputy or deputies.

SEC. 34. This chapter shall not be construed as requiring the survey or admeasurement of any lumber made in any town in this state.

CHAPTER 104.

OF THE INSPECTION OF HOOPS.

SECTION

1. Length of hoops.
2. Duties of inspectors of hoops.
3. Hoops deficient in length, &c., how disposed of.

SECTION

4. Hoops, how put up; penalty for fraud.
5. Penalty for shipping hoops not surveyed; how recovered.
6. Fees of inspectors of hoops.

Length of hoops.

SECTION 1. All hoops made or brought into any town in this state and offered for sale as hoghead hoops, shall be at least one half

thereof eleven feet and a half in length, and the other half not less than ten feet in length; and all those offered for barrel hoops shall hold out one with another at least seven feet and a half in length, and be of such size and substance as shall be sufficient for locking at the small end, and be otherwise suitable for immediate working.

SEC. 2. Inspectors of hoops shall view all hoops that may be offered for sale in, or exported from, this state.

Duties of inspectors of.

SEC. 3. Whenever they shall inspect and find any hoops so offered for sale or to be exported, fall short in the length aforesaid, or not of such size and substance as by this chapter is required, such hoops shall be condemned and sold at auction by the officer who shall inspect the same, within twenty-four hours after giving notice to the owner thereof; and one quarter part of the money arising from the sale shall be applied to the use of the town where they shall be sold, and the remainder, after paying unto the inspector of such hoops his fees, shall be returned to the owner.

Hoops deficient in length, &c., how disposed of.

SEC. 4. All hoops shall be put up in bundles, to contain twenty-five each, and be sold by net hundreds; whenever the officer inspecting shall find any fraud in the bundles by their not containing the full number, every such bundle shall be condemned as forfeited, to be sold by the inspector in manner aforesaid; the money, after paying the inspector his fees, shall be by him lodged in the town treasury of the town where they are sold, for the use of the town.

Hoops, how put up; penalty for fraud.

SEC. 5. Every person who shall ship for exportation out of this state any hoops which have not been duly inspected and allowed to be merchantable agreeably to this chapter, shall forfeit four dollars for every thousand so shipped; to be recovered by any inspector of hoops in the town where they shall be so shipped; one half to the use of the state, and the other half to the use of the inspector who shall sue for the same.

Penalty for shipping hoops not surveyed; how recovered.

SEC. 6. Inspectors of hoops shall receive at and after the rate of twenty-five cents for every thousand they shall inspect and examine; and if the hoops shall be adjudged good and merchantable, the buyer shall pay the same.

Fees of inspectors.

CHAPTER 105.

OF THE INSPECTION OF SCYTHE STONES.

SECTION

1. Scythe stones to be inspected and branded.
2. Inspector to give bond.
3. May appoint deputies; deputies to be sworn and give bond.
4. Scythe stones, how sorted and numbered.
5. How packed and branded.

SECTION

6. Fees of inspector.
7. Penalty for selling or exporting, without inspection.
8. Penalty on inspector for false brand.
9. Penalty for counterfeiting brand, &c.

SECTION 1. No person shall ship, sell, or export from this state any scythe stones, in any quantity exceeding ten dozen, except in boxes of suitable size, which have been inspected and branded agreeably to the provisions of this chapter.

Scythe stones to be inspected and branded.

Inspector to give bond.

SEC. 2. The inspector of scythe stones shall, before entering upon the duties of his office, give bond, with sufficient sureties, to the general treasurer, in the penal sum of five hundred dollars for the faithful discharge thereof.

May appoint deputies.

SEC. 3. He may appoint one or more deputies, for whose acts he shall be responsible, and who shall be sworn to the faithful discharge of the duties of their office, and shall give bond to him therefor with sufficient surety, in the penal sum of three hundred dollars.

Scythe stones, how sorted and numbered.

SEC. 4. All scythe stones, when the quantity exceeds ten dozen, shall be sorted or divided by the inspector, or one of his deputies, into three different sorts, to be denominated No. 1, No. 2, No. 3.

No. 1.

No. 1 shall consist of the best quality, and none less than nine inches in length.

No. 2.

No. 2 shall consist of the best quality of those less than nine inches in length, and the second quality more than nine inches in length.

No. 3.

No. 3 to consist of other qualities and sizes, but none except such as are merchantable.

How packed and branded.

SEC. 5. Such stones shall be packed by the officer inspecting them, in boxes, which shall be branded by him with the initials of his name, with the word "inspected," and with No. 1, No. 2, No. 3, as the case may be, designating the quality of the same.

Fees of inspector.

SEC. 6. The manufacturer of scythe stones shall pay the inspector or his deputy, for inspecting, packing, and branding, the sum of ten cents for each and every box containing not more than twenty-five dozen, which he may inspect, and twelve cents for each and every box containing more than twenty-five dozen.

Penalty for selling or exporting without inspection.

SEC. 7. Every person who shall sell or offer for sale, or shall export or attempt to export, at any one time, more than ten dozen of scythe stones before the same shall have been inspected, boxed up and branded as aforesaid, shall forfeit twenty dollars for each offence.

Penalty for false brand.

SEC. 8. Every inspector, or deputy inspector, who shall brand any scythe stones contrary to the provisions of this chapter, shall forfeit fifty dollars for each box by him so branded.

Penalty for counterfeiting brand, &c.

SEC. 9. Every person who shall counterfeit the brand of any inspector or deputy inspector, or shall imprint any box of scythe stones with any inspector's or deputy inspector's brand without his consent, or shall fill any box which has before been filled and branded, without first causing the former brand to be cut out, shall forfeit fifty dollars for each offence.

CHAPTER 106.

OF THE INSPECTION OF SALERATUS, SODA, AND CREAM OF TARTAR.

SECTION

1. Inspectors, how appointed.
2. Inspectors to test, &c., and give certificate, &c.

SECTION

3. To make analysis, &c., and give certificate.
4. Penalty for selling impure article.

Inspectors, how appointed.

SECTION 1. The city council of Providence shall, and the town councils of the several towns may, appoint an inspector of saleratus,

bicarbonate of soda, and cream of tartar, for said city and towns respectively.

SEC. 2. Every inspector shall, whenever requested, test such article as shall be presented to him for inspection, and shall give his certificate to any person applying therefor, whether said article be impure or adulterated; and for every such certificate he shall be entitled to the sum of two dollars.

Inspectors to test, &c., and give certificate, &c.

SEC. 3. Every inspector shall, whenever requested, make an analysis of any such article as may be presented to him for that purpose, and shall give his certificate to any person who shall apply therefor of the result of such analysis, for which certificate he shall be entitled to the sum of ten dollars.

To make analysis, &c., and give certificate.

SEC. 4. Every person who shall sell saleratus, bicarbonate of soda, or cream of tartar, which has been adulterated, and thereby rendered an impure article, shall be fined twenty dollars, together with the cost of testing and analyzing such impure article; one half of said penalty to the use of the city or town where such sale shall be made, and the other half thereof, together with the cost of testing and analyzing such impure article, to the use of the person who shall sue for the same.

Penalty for selling impure article.

CHAPTER 107.

OF THE MEASURE AND SALE OF GRAIN, MEAL, SALT, AND SEA-COAL.

SECTION

1. Measurers in certain towns, how appointed.
2. May appoint deputies and employ assistants.
3. Their duties.
4. Weight of bushel of Indian corn and rye; Indian meal and rye meal.
5. Compensation of measurers.

SECTION

6. Duties and fees in case of disputes, &c.
7. Penalty for selling grain, &c., without measurement and certificate.
8. Penalty on measurer for neglect of duty.
9. Of sales at custom-house measure.

SECTION 1. The towns of Bristol, Warren, Warwick, East Greenwich, North Kingstown, and North Providence shall, and any other towns may, at any annual meeting for the choice of town officers, elect in each of said towns respectively not exceeding two persons, to be measurers of grain, salt, shorts, and sea-coal. The city councils of the cities of Providence and of Newport, at the time of the election of city officers, shall respectively elect at least two such measurers for said cities.

Measurers in certain towns, how appointed.

SEC. 2. Such measurers may appoint as many deputy measurers, and employ as many assistants, as they may deem expedient, who shall be engaged to the faithful performance of their duties.

May appoint deputies and employ assistants.

SEC. 3. The measurers shall measure, or cause to be measured in their presence, and shall certify the measure of all corn, rye, oats, barley, and other grain, and all shorts, salt, and sea-coal, imported into such town from without the limits of this state, that shall be sold and delivered from any vessel or water craft, or any railroad car in

Their duties.

said town, in any quantity exceeding twenty-five bushels at one sale, to one person or company.

Weight of bushel of Indian corn and rye, Indian meal and rye meal.

SEC. 4. In the sale of Indian corn and rye, the same shall be estimated at and after the rate of fifty-six pounds to the bushel, barley at the rate of forty-eight, and oats at the rate of thirty-two pounds, to the bushel. In the sale of Indian meal, or rye meal, by weight, the same shall be estimated at the rate of fifty pounds to the bushel. If any person shall sell a less number of pounds for a bushel, he shall forfeit and pay the sum of ten dollars.

Compensation of measurers.

SEC. 5. The measurers shall receive as compensation, for every bushel of grain, shorts, salt, or sea-coal aforesaid, by them measured and certified, where the same shall exceed one hundred and fifty bushels, one half of one cent per bushel, and for any quantity less than one hundred and fifty bushels, one cent per bushel; to be paid by the vendor upon the tender of the certificate of the measurers; the vendor charging one half of the same to the purchaser, unless otherwise by them agreed; but no measurer shall be entitled to receive more than one half of one cent per bushel for measuring, when the quantity shall exceed one hundred and fifty bushels, delivered from the same vessel, or any car.

Duties and fees in case of dispute, &c.

SEC. 6. The measurers or their deputies shall measure and certify as aforesaid, in all cases of sale and delivery of said articles in the towns where they are appointed, in quantity aforesaid, from any store or other places of selling in said towns, whenever a dispute shall arise between the seller and purchaser, if called on for that purpose by either party; for which duty they shall receive the same compensation, and payable in like manner, as hereinbefore provided.

Penalty for selling grain, &c., without measurement and certificate.

SEC. 7. Every person who shall sell and deliver from any vessel, water craft, or railroad car, in said towns, any such grain, shorts, salt, or sea-coal, in a quantity exceeding twenty-five bushels, at one sale and delivery, without having the same duly measured and certified as aforesaid by one of the said measurers, or shall refuse to permit a measurer or deputy to measure such articles when sold from any water craft, or railroad car, shall forfeit fifty dollars for each offence; one half thereof to the use of the person who shall sue for the same, and the other half to the use of the town where the offence shall be committed.

Penalty on measurer for neglect of duty.

SEC. 8. Every measurer or deputy measurer who shall, after being duly requested to perform any of the duties prescribed by this chapter, and after tender of his fees therefor, refuse or neglect so to do, shall forfeit ten dollars for each offence; one half thereof to the person who shall sue therefor, and the other half to the use of said town where such neglect occurred.

Of sales at custom-house measure.

SEC. 9. Nothing in this chapter shall be construed to apply to or affect the sale, delivery, or measuring of any of the articles aforesaid, in the sale whereof it shall have been contracted by the seller and purchaser that the same shall be sold and delivered at custom-house measure; the same being measured under the inspection of a custom-house inspector; or to the sale of grain, where the contract is that it shall be delivered by weight.

CHAPTER 108.

OF THE SALE OF COTTON.

SECTION

- 1. Weighers of cotton, how appointed.
- 2. Shall weigh all cotton sold, unless special contract otherwise.

SECTION

- 3. Duties of such weighers.
- 4. Their fees.

SECTION 1. Weighers of cotton may be annually elected by the city councils of the cities of Providence and Newport, and by the town councils of the several towns respectively.

Weighers of cotton, how appointed.

SEC. 2. All cotton sold in this state, unless otherwise specially agreed, shall be weighed by the weighers so chosen.

Cotton, to be weighed unless, &c.

SEC. 3. Such weighers shall correctly weigh, and record in a book, to be kept for that purpose, the weight of each bale of cotton, with the marks and numbers of the bales, and shall mark upon every bale, in plain figures, the weight of the same, and shall make a certificate of each lot of cotton, which certificate shall specify the marks, numbers, and weight of each bale.

Duties of such weighers.

SEC. 4. Such certificate shall be given to the seller of the cotton, and the weigher shall be paid for weighing and marking the same, on the delivery of the certificate, eight cents per bale; and for every duplicate certificate of not exceeding one hundred bales, fifty cents, and fifty cents for every additional hundred bales.

Their fees.

CHAPTER 109.

OF THREAD.

SECTION

- 1. How spools or packages of sewing thread to be labelled or ticketed.

SECTION

- 2. Penalty for not affixing, or affixing false label or ticket.

SECTION 1. Every manufacturer of sewing thread, or person engaged in putting up thread on spools or in packages intended for sale, shall, before the same is offered for sale, affix to each spool or several package a label or ticket, designating the number of yards of thread which such spool or package contains.

Spools, &c., of sewing thread, how labelled and ticketed.

SEC. 2. If any such person shall purposely neglect to affix such label to each spool or several package of thread, or shall, with intent to deceive, affix or cause or suffer to be affixed a label or ticket to any spool or package of thread intended for sale, specifying that such spool or package contains a greater number of yards of thread than such spool or package contains, he shall forfeit the sum of fifty dollars for each spool or package so without a label or falsely labelled that shall be sold, or be delivered by him to any person to be sold, to be recovered, one half to the use of the state, and one half to the use of the party who shall sue for the same.

Penalty for not affixing, or affixing false label or ticket.

CHAPTER 110.

OF CABLES.

SECTION 1. Duties of inspector of cables.

Duties of inspector of cables.

SECTION 1. The inspector of cables shall carefully inspect and examine all chain cables manufactured in this state and offered for sale therein, and certify in writing to the quality of each, and to the amount of hydraulic pressure which each has withstood, and shall stamp upon a link at each end of each chain the word "proved," and the initials of the person or company manufacturing the same, and shall make an annual return to the general assembly of the number and weight of chain cables inspected by him.

CHAPTER 111.

OF THE SALE OF OILS.

SECTION

1. Descriptions of oils.
2. Whale oil, what; proportions of adulteration to be disclosed; penalty for not disclosing.

SECTION

3. Penalty for sale without such disclosure.
4. Tight-pressed oil, what; disclosure of mixture to be made; penalty for not making it.

Descriptions of oils.

SECTION 1. All descriptions of oils sold under the names of sperm, spermaceti, lamp, summer, fall, winter, and second winter oils, shall be deemed pure winter pressed, or summer strained spermaceti oil.

Whale oil, what; penalty for not disclosing adulteration.

SEC. 2. All oils sold under the names aforesaid, which are adulterated with whale, lard, or any other oil of less value than pure spermaceti oil, shall be deemed whale oil; and the vendor shall be liable to the purchaser for double the amount of the difference in value between pure spermaceti oil and whale oil, when the quantity sold exceeds five gallons, and four times the difference, when said quantity is less than five gallons, unless the proportions of the respective oils are disclosed to the purchaser at the time of sale.

Penalty for sale without such disclosure.

SEC. 3. Every person who shall sell any oil or oils commonly known under the names of sperm, spermaceti, lamp, summer, fall, winter, and second winter oils, which have been adulterated from pure spermaceti oil by a mixture of whale, lard, or any other inferior oil, and shall not disclose to the purchaser the proportions of the oils of which it consists at the time of sale, in the manner prescribed in the preceding section, shall for each offence forfeit twenty-five dollars, to the use of the person suing for the same.

Tight-pressed oil, what; penalty for not making disclosure of mixture.

SEC. 4. All oils sold under any of the names mentioned in the preceding section, which shall have been mixed with tight-pressed oil, shall be deemed tight-pressed oil; and the vendor thereof, or of tight-pressed oil under any of the names aforesaid, shall be liable to the purchaser thereof for double the value of the difference between the first quality of spermaceti oil and tight-pressed oil, unless, at the

time of sale, the vendor shall disclose to the purchaser the mixture aforesaid, and if not mixed, its quality; and if such disclosure shall not be made as aforesaid, the vendor shall forfeit twenty-five dollars to the use of the person suing for the same.

CHAPTER 112.

OF THE INSPECTION, SALE, AND KEEPING OF INFLAMMABLE AND EXPLOSIVE FLUIDS.

SECTION

1. Penalty for keeping or selling petroleum oil, naphtha, &c., unless the same has been inspected, tested, &c.
2. Duties of the inspector of kerosene.
3. Petroleum oil, how permitted to be kept upon sale, or stored, in this state.
4. Inspector to examine all premises where petroleum oil, naphtha, &c., are stored.
5. Petroleum oil, naphtha, &c., not to

SECTION

- remain in open air, or on sidewalk, &c., except, &c.
6. Penalty for violating provisions of chapter, or altering, &c., official brand.
 7. Penalty for putting petroleum, &c., not inspected, into branded casks or packages.
 8. Town councils, and city councils of Providence and Newport, may annually appoint inspectors of petroleum, kerosene, &c., and regulate storage thereof, &c.

SECTION 1. Every person who shall keep or offer for sale, in any place or building within this state, petroleum oil, or any product thereof, or shall keep or offer for sale any mixture of naphtha, or inflammable fluids for illuminating purposes, that will flash, or inflame at a less temperature, or fire test, than one hundred and ten degrees Fahrenheit, or that has not been inspected, tested, and the cask, barrel, or package containing the same, marked with the degrees Fahrenheit at which the contents thereof will flash or inflame in manner provided by section two of this chapter, and every person who shall empty any petroleum oil or any product thereof, or any mixture of naphtha, or inflammable fluids, which shall be at any time brought into this state, out of the original packages in which it is brought into this state, until the same has been inspected by an inspector of kerosene, shall be fined, not less than fifty dollars, or be imprisoned not less than six months, and the name of every such person shall be published in some newspaper published in, or nearest to, the town where such offence was committed.

Penalty for keeping or selling petroleum oil, naphtha, &c., not inspected, tested, &c.

SEC. 2. The inspector of kerosene shall inspect and test all petroleum oil, kerosene, and coal oil, and their compounds, and any product or mixture thereof, which may be manufactured, offered for sale, or stored in this state, and each inspector shall legibly mark upon every cask, barrel, or package, so tested by him, the degrees Fahrenheit, at which the contents thereof are inflammable, or will flash or explode, by cutting, branding, or painting the same thereon, together with his official brand or stamp, and the initials of his name. The owner of kerosene or other fluids made liable to inspection by the provisions of this chapter shall pay to the inspector who shall inspect the same, the sum of one dollar, for every hour employed in such inspection.

Duties of the inspector of kerosene.

Petroleum oil, how kept for sale or stored.

Quantities not exceeding 150 gallons;

ten barrels;

one hundred barrels;

exceeding one hundred barrels.

Inspectors to examine premises where stored, &c.

Petroleum, &c., not to remain in open air or on sidewalk, &c., except, &c.

Penalty for violating provisions of chapter, or altering, &c., official brand.

Penalty for putting petroleum, &c., not inspected, into branded casks.

How inspectors of petroleum, kerosene, &c., may be appointed, and storage thereof regulated.

SEC. 3. Petroleum oil, or any of its products, or the compounds thereof, that are not inflammable, or which do not flash at a less temperature, or fire test, than one hundred and ten degrees Fahrenheit, may be kept upon sale, or stored in this state, in the following manner only, and subject to the terms and conditions hereinafter named, namely: in quantities of not to exceed one hundred and fifty gallons, in any store or warehouse; in quantities exceeding one hundred and fifty gallons, and not exceeding ten barrels, in cellars at least four feet below the surface of the street, properly ventilated, and under buildings, no part of which is occupied as a dwelling-house; in quantities exceeding ten barrels, and not exceeding one hundred barrels, in warehouses constructed of brick, stone, or iron, especially adapted to that purpose; in quantities exceeding one hundred barrels, in warehouses constructed of brick, stone, or iron, situated more than fifty feet distant from the nearest adjacent building or wharf; or, if within fifty feet of the nearest building or wharf, there shall be a wall of brick or stone between said warehouse and any such building or wharf, at least ten feet high and sixteen inches thick; and all such warehouses shall be so constructed or arranged, that no overflow or escape of the articles therein stored, beyond the limits thereof, can possibly take place.

SEC. 4. The inspectors of kerosene shall examine, from time to time, all premises, within their respective towns, wherein petroleum oil, or any product thereof, or any mixture of naphtha, or inflammable fluid for illuminating purposes is stored or kept, and the owners and occupants of all such premises shall allow any inspector of kerosene, at all times, to enter upon and inspect such premises.

SEC. 5. In no case shall petroleum oil, or any product thereof, or any mixture of naphtha, or inflammable fluid for illuminating purposes, be allowed to remain in the open air, or on any sidewalk, beyond the front line of any building, or in any street, for a longer time than is actually necessary for the storage, shipment, or delivery of the same, nor between the time of sunset of any one day and sunrise of the following day.

SEC. 6. Every person who shall violate any of the foregoing provisions of this chapter, or shall knowingly or wilfully alter, efface, or destroy any official mark or brand, after the same has been placed by the inspector of kerosene, or his deputies, upon any barrel, cask, or package, in accordance with the provisions of this act, shall be fined not less than five hundred dollars, nor more than one thousand dollars, or shall be imprisoned not exceeding six months.

SEC. 7. Every person who shall, for the purpose of sale, put or cause to be put into any cask, barrel, or other package, which shall have been branded or marked by an inspector of kerosene, in manner herein prescribed, any petroleum oil, kerosene, or coal oil, or naphtha, or inflammable fluid, or any mixture, product, or component thereof, or of either thereof, intended for sale, the same not having been first tested by said inspector, in accordance with the provisions of this chapter, shall pay a fine of not less than five hundred dollars, nor more than one thousand dollars, or shall be imprisoned not exceeding six months; and the name of every person convicted of any violation of this section shall be published in some newspaper published in or nearest to the town where such offence was committed.

SEC. 8. The town councils of the several towns, and the city councils of the cities of Newport and Providence, shall appoint annually one or more inspectors of petroleum, kerosene, and coal oil, their products, compounds, and components, and may limit and pre-

scribe by ordinance the place or places, and manner, of storing or safe keeping, and the quantity to be stored in any one place, and sale within their respective towns and cities, of the said articles, their products, compounds, and components, and other like explosive substances, notwithstanding any provisions hereinbefore contained, and may inflict fines and penalties for the violation of such ordinances, not exceeding, for any one offence, two hundred dollars and six months imprisonment.

CHAPTER 113.

OF THE WEIGHT OF NEAT-CATTLE.

SECTION

1. Weighable parts of neat-cattle.
2. Penalty for not weighing and accounting for those parts.

SECTION

3. Duties of town weighers.
4. Their fees.

SECTION 1. The following parts of all neat-cattle purchased by the hundred weight or slaughtered by any person, such person having contracted to account for the same to the owner or seller of the same, shall be denominated weighable, viz.: the whole of the several four quarters, the hide, horns, and tallow.

Weighable parts of neat-cattle.

SEC. 2. Every person slaughtering or weighing any neat-cattle, and being obliged to account for the same to the owner or seller thereof as aforesaid, who shall not weigh and account for all those parts of such cattle denominated weighable as aforesaid, shall forfeit for every offence twenty dollars.

Penalty for not weighing and accounting for such parts.

SEC. 3. The town weighers of neat-cattle shall weigh all parts of said cattle made weighable by the first section of this chapter, deducting therefrom for green weight not more than two pounds, for every hundred pounds of the weight thereof.

Duties of town weighers.

SEC. 4. The fees of such weigher shall be twenty-five cents per head for all cattle weighed; one half part of which shall be paid by the seller, and the other by the buyer thereof.

Their fees.

CHAPTER 114.

OF THE SALE OF BUTTER, ONIONS, POTATOES, AND BERRIES.

SECTION

1. How butter tubs to be branded.
2. Sale of, without brand, prohibited.
3. Penalty for sale without brand.
4. Weight of bushel of potatoes.

SECTION

5. Weight of bushel of onions and other root crops.
6. Cranberries and other berries, how measured.

SECTION 1. Every person who shall make or bring into this state any butter firkins or tubs, shall brand or mark each one of the same with the weight thereof, and with the initial letters of his name, in a plain and durable manner, before he offers the same for sale.

Butter tubs, how to be branded.

SEC. 2. No person shall offer for sale any butter by the firkin or

Sale without brand prohibited.
Penalty for sale without brand.

tub, unless each tub and firkin shall be branded or marked as aforesaid.

SEC. 3. Every person who shall offer for sale any butter firkin or tub before the same shall be marked or branded as required in the first section of this chapter, or any butter by the firkin or tub, in any firkin or tub not marked or branded as aforesaid, or in any firkin or tub which shall weigh more than the mark or brand on it, allowing two pounds additional for the brine absorbed by the same, shall forfeit five dollars, unless there shall be a special contract in relation to the kind, quantity, and quality of the article sold.

Weight of bushel of potatoes:
Of onions and other root crops.

SEC. 4. In the sale of potatoes by weight, the same shall be estimated at and after the rate of sixty pounds per bushel.

SEC. 5. In the sale of onions, and of all other root crops, by weight, the same shall be estimated at and after the rate of fifty pounds per bushel.

Cranberries, &c., how measured.

SEC. 6. Cranberries and all other berries hereafter sold, shall be measured by the strike or level measure, or thirty-two pounds to the bushel.

CHAPTER 115.

OF MILK.

SECTION

- 1. To be sold by wine measure; measures to be sealed.
- 2. Town councils may annually elect inspectors of milk; inspectors to be engaged, and give notice of their election.
- 3. Duties of inspector.
- 4. Penalty for not recording name, &c., and for offering for sale milk of cows fed from distilleries, or of sick cows.

SECTION

- 5. Penalty for selling or exchanging adulterated or watered milk.
- 6. Inspectors to make complaints, upon information.
- 7. Inspectors to publish provisions of this chapter.
- 8. To publish the names and places of business of persons convicted under this chapter.

To be sold by wine measure; measures to be sealed.

SECTION 1. Milk shall be sold by wine measure, and all measures used in the sale of milk shall be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside; or of the town where such milk shall be measured for use; and every person violating the provisions of this section shall forfeit ten dollars for each offence.

Inspectors, how appointed,

SEC. 2. The mayor and aldermen of any city, and the town council of any town, may annually elect one or more persons to be inspectors of milk therein, who shall be engaged to the faithful discharge of the duties of their office. Every inspector shall give notice of his election, by publishing notice thereof for two weeks in some newspaper published in the city or town from which he shall be appointed; or, if no newspaper be published therein, by posting up such notice in two or more public places in such city or town.

to give notice of election.

Duties of inspectors.

SEC. 3. Every inspector shall have an office, and a book, for the purpose of recording the names and places of business of all persons engaged in the sale of milk within his limits. He may enter any place where milk is stored or kept for sale, and examine all carriages

used in the conveyance of milk ; and whenever he has reason to believe any milk found by him is adulterated, he shall take specimens thereof, and cause the same to be analyzed or otherwise satisfactorily tested, the result of which he shall record and preserve as evidence ; and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions under this chapter. The inspector shall receive such compensation as the mayor and aldermen or town council shall determine.

SEC. 4. Whoever neglects to cause his name and place of business to be recorded in the inspector's book, and his name legibly placed upon all carriages used by him in the conveyance of milk, before engaging in the sale thereof, shall forfeit twenty dollars for the first offence, and for a second and each subsequent offence fifty dollars ; and whoever offers for sale milk produced from cows fed upon the refuse of distilleries, or any substance deleterious to the quality of the milk, or whoever offers for sale milk produced from sick or diseased cows, shall forfeit twenty dollars for the first, and fifty dollars for every subsequent offence ; and whoever, in the employment of another, violates any provision of this section, shall be held equally guilty with the principal and suffer the same penalty.

Penalty for not recording name, &c., and for selling, &c., milk of cows fed from distilleries, or sick cows.

SEC. 5. Whoever sells or exchanges, or has in his possession with intent to sell or exchange, or offer for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, shall, for each offence, be punished by a fine of not less than twenty, nor more than one hundred dollars.

Penalty for selling or exchanging adulterated or watered milk.

SEC. 6. Every inspector of milk shall institute complaints, on the information of any person, who shall lay before him satisfactory evidence on which to sustain the same.

Inspectors to make complaints, when.

SEC. 7. Every inspector of milk shall cause the provisions of this chapter to be published in his town, at least three times, in some newspaper printed in said town, or some newspaper in the county in which the town is situated.

Inspectors to publish provisions of this chapter.

SEC. 8. Every inspector shall cause the name and place of business of all persons convicted under this chapter, to be published in two newspapers printed in the town or county where the offence may have been committed.

To publish names, &c., of persons convicted.

CHAPTER 116.

OF THE SALE OF FIREWOOD AND CHARCOAL.

SECTION

1. Size of cord of firewood.
2. Fees of corders of wood.
3. Penalty for sale of firewood in certain cases.
4. Size of charcoal baskets.
5. Baskets to be sealed.

SECTION

6. Penalty for using baskets of other dimensions, or not sealed.
7. Persons to be appointed to seize unlawful baskets, and to prosecute owners.
8. Penalty for sealing basket of unlawful size.

SECTION 1. All firewood offered for sale by the cord shall measure in quantity equal to a cord of eight feet in length, four feet in width, and four feet in height, including one half of the kerf, and be well stowed and closely laid together.

Size of cord of firewood.

Fees of corders of wood.

SEC. 2. Every person chosen by a town to be a corder of wood, shall receive for cording and measuring, not exceeding twelve cents per cord, to be paid by the purchaser of such wood.

Penalty for sale of firewood in certain cases.

SEC. 3. If any person shall sell any firewood by the cord in any quantity not well stowed and closely laid together, or shall fraudulently and falsely represent any quantity of firewood by him offered for sale to be a greater quantity, or shall sell the same for a greater quantity, than the same shall actually measure, or shall otherwise commit any fraud in the sale thereof, he shall be fined twenty dollars.

Size of charcoal baskets.

SEC. 4. Every basket used in measuring charcoal brought into any town for sale shall be of the following dimensions, to wit: Nineteen inches in breadth in every part thereof, and seventeen and one half inches deep, measuring from the highest part of the bottom of the basket perpendicularly to a level with the top of the basket.

Baskets to be sealed.

SEC. 5. Every basket shall be sealed by the sealer of weights and measures of the town where the person so using the same shall usually reside, or of the town where such coal shall be so measured for sale, and shall also be well heaped.

Penalty for using if not sealed, &c.

SEC. 6. Every person who shall measure charcoal offered for sale in any basket of other dimensions than as aforesaid, or not sealed as aforesaid, shall be fined twenty dollars.

Unlawful baskets to be seized, and owners prosecuted.

SEC. 7. The town councils in the several towns may appoint, as occasion may require, some suitable person or persons to seize and secure, within their respective towns, all baskets used for measuring coal that shall not be of the dimensions aforesaid, and sealed as aforesaid, and may prosecute every person who shall be guilty of any violation of any of the provisions of this chapter; but no person shall be obliged to measure charcoal, where the quantity shall be agreed upon by the buyer and seller.

Penalty for sealing unlawful basket.

SEC. 8. Every sealer of weights and measures who shall seal any basket not being of the lawful dimensions, shall be fined twenty dollars.

CHAPTER 117.

OF THE SALE OF FISH FOR MANURE.

SECTION

1. Size of barrel, &c.; barrel to be sealed.
2. Penalty for sealing falsely.

SECTION

3. Penalty for measuring in barrel not sealed.

Size of barrel, &c.; barrel to be sealed.

SECTION 1. Whenever fish are sold by measure for manure, they shall be measured in a barrel or half barrel; the barrel containing twenty-eight gallons, and the half barrel fourteen gallons; which shall be sealed by a sealer of weights and measures.

Penalty for sealing falsely.

SEC. 2. If any sealer of weights and measures shall seal any barrel or half barrel which shall contain a less quantity than prescribed in the next preceding section, he shall be fined fifty dollars.

Penalty for measuring in barrel not sealed.

SEC. 3. If any person shall measure any fish sold by measure, in any barrel or half barrel not sealed according to the provisions of this chapter, he shall be fined ten dollars for each offence.

CHAPTER 118.

OF THE ASSAY AND INSPECTION OF LIQUORS.

SECTION

1. State inspector and state assayer of liquors, to be appointed annually by governor; they may appoint deputies.
2. Duties of assayer.
3. Fees of assayer and inspector.
4. Liquors to be inspected and assayed before sale.
5. Penalty for selling, &c., liquors not inspected and assayed, &c.
6. Penalty for selling impure, adulterated, &c., liquors.
7. Penalty for selling liquor containing poison or deleterious ingredients.
8. Costs of inspection and assaying, by whom to be paid; how may be recovered.
9. Inspector may enter places where liquor is kept for sale, and take samples; penalty for resisting, &c., inspector.

SECTION

10. Impure and adulterated liquors and vessels containing same, to be forfeited. Proceedings to obtain forfeiture.
11. What *prima facie* evidence of keeping impure or adulterated liquors for sale.
12. Packages of liquors, how to be stamped by inspector.
13. Penalty on inspector for falsely branding, &c.
14. Penalty for counterfeiting brand, &c.
15. Penalty for putting liquor into branded packages, &c., with fraudulent intent.
16. Inspector and assayer, not to receive rewards or gratuities; penalty upon, for receiving.
17. Inspector to prosecute persons violating provisions of this chapter.

SECTION 1. The governor shall annually appoint a state inspector and state assayer of liquors, each of whom may appoint as many deputies as may be necessary.

State inspector and assayer, how appointed.

SEC. 2. The assayer, or his deputy, shall analyze all spirituous and intoxicating liquors whenever required by the inspector or by the attorney general, and shall certify the result of such analysis to the officer requiring the same to be made, which certificate shall be evidence, in all proper courts, of the quality of the liquors assayed.

Duties of assayer.

SEC. 3. The assayer, or his deputy, shall receive the sum of one dollar for every such analysis and certificate; and the inspector, or his deputy, shall receive the sum of one dollar for every inspection of liquors authorized by this act, together with ten cents per mile for every mile's travel required in the performance of such duty.

Fees of assayer and inspector.

SEC. 4. No ale, rum, wine, or other strong or spirituous liquors, or malt or mixed intoxicating liquors, shall be kept or offered for sale, or sold in this state, unless the same shall have been inspected by the inspector of liquors or his deputy, and assayed by the assayer or his deputy.

Liquors to be inspected and assayed, before sale.

SEC. 5. Every person keeping for sale, or offering to sell, or selling, any ale, rum, wine, or other strong or spirituous liquors, or malt or mixed intoxicating liquors, unless the same shall have been inspected and assayed, and the package containing the same shall have been branded and marked as is provided in this chapter, shall be fined not less than one hundred dollars, or be committed to the state work-house and house of correction, not exceeding three months.

Penalty for selling, &c., liquors not inspected and assayed.

SEC. 6. Every person keeping for sale, or offering to sell, or selling, any impure or adulterated or mixed liquors, or who shall sell any spirituous or intoxicating liquors of a quality inferior to that

Penalty for selling, &c., impure, adulterated, &c., liquors.

which such liquors are represented to be, shall be fined not less than one hundred dollars, nor more than three hundred dollars, or be committed to the state farm not exceeding three months, for the first offence; and upon the second and every subsequent conviction for violating the provisions of this section, shall be both fined and committed to the state work-house and house of correction, as aforesaid.

Penalty for selling liquors containing poison, &c.

SEC. 7. Every person keeping for sale, or offering to sell, or selling, any adulterated or impure liquors containing any poison or deleterious ingredients injurious to health, shall be fined not less than three hundred dollars, nor more than five hundred dollars, or be committed to the state farm not exceeding six months.

Cost of inspection and assaying; by whom to be paid; how may be recovered.

SEC. 8. The person for whom any liquor shall be inspected, or whose liquors shall be assayed, shall pay to the officer making the inspection or assay the costs allowed therefor by this act; and if such costs shall not be paid within twenty-four hours after demand shall be made therefor, the officer entitled to receive the same may sue for and recover the same, with his costs of suit, and, in addition thereto, fifty per centum of the costs of such assay or inspection, together with such reasonable sum as he may have paid for counsel fees, to be allowed by the court before which such action shall be tried.

Inspector may enter places of sale, take samples, &c.;

SEC. 9. The inspector of liquors and his deputies may, in the execution of the duties of their office, enter any place where liquors are kept for sale, and take samples thereof to be assayed; and every person who shall be convicted of threatening, resisting, or obstructing any such inspector or deputy inspector, when in the execution of the duties of his office, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding one year.

penalty for resisting, &c.

Impure and adulterated liquors, and vessels containing same to be forfeited. Proceedings to obtain forfeitures.

SEC. 10. In addition to the penalties hereinbefore provided for keeping, or for offering for sale, or for selling, impure or adulterated liquors, all such liquors, and the casks, barrels, or other vessels containing the same, shall be forfeited to the state, and a warrant for their seizure may issue upon complaint for keeping for sale, selling, or offering for sale, any liquors in violation of the provisions of this chapter, if such complaint shall charge that the offender kept such adulterated or impure liquors for sale, or that he keeps such liquors and intends to sell the same without having the same inspected and assayed as is herein provided; and the officer charged with the service of any such warrant, in addition to apprehending such offender, shall search the premises and seize the liquors in such warrant described, and hold such liquors to abide the event of the suit, and if the accused shall be found guilty, the said liquors, if they shall be found to be his, shall be adjudged to be forfeited to the state, and be ordered to be destroyed, under the direction of the court before which the offender shall be tried; otherwise, the officer having the custody of such liquors shall return them to the place from which he took the same.

What *prima facie* evidence of keeping for sale.

SEC. 11. The having in possession in a place of business or in any place, building, or dwelling where liquors are sold, of one gallon or upwards of impure or adulterated liquors, shall be *prima facie* evidence that such liquors are kept for sale by the person in whose possession such impure or adulterated liquors may be found.

Packages, how to be stamped.

SEC. 12. The inspector of liquors, or his deputy, shall brand or stamp the words, "Inspected and Assayed," with the date of the inspection and the initials of the inspector, on every package of liquors by him inspected, and which has been assayed.

Penalty on inspector, for falsely branding, &c.

SEC. 13. Every inspector, or his deputy, who shall brand or stamp any package of liquors as having been inspected or assayed, and which

shall not have been inspected or assayed, or which, having been inspected and assayed, shall, at the time the same was so inspected and assayed, have been found to be impure or adulterated, shall be imprisoned three months.

SEC. 14. Every person who, without being an inspector of liquors, shall use, or fraudulently imitate the brand or stamp of the inspector of liquors, shall be deemed to be guilty of forgery, and shall be punished as for forgery. Penalty for counterfeiting brand, &c.

SEC. 15. Every person who shall put, or cause to be put, any liquor as aforesaid into any cask, barrel, or other package bearing the brand or stamp of the inspector of liquors, without having first erased such marks, with the design of evading any provision of this chapter, shall be imprisoned for three months. Penalty for putting liquor into branded packages, &c., fraudulently.

SEC. 16. No inspector or assayer, or deputy inspector or assayer of liquors, shall accept any reward or gratuity while in office from any person in any way engaged in selling liquors; and every such inspector or assayer, or deputy inspector or assayer, who shall accept any such reward or gratuity, shall be fined not less than one hundred dollars, or be imprisoned not less than three months. Rewards or gratuities to inspectors or assayers prohibited.

SEC. 17. The inspector of liquors shall prosecute every person violating any of the provisions of this chapter. Inspector, who to prosecute.

CHAPTER 119.

OF MEDICINES AND POISONS.

SECTION

1. Who may retail, compound, or dispense, medicines or poisons.
2. Who to be a registered pharmacist or assistant pharmacist. Graduate in pharmacy, practising pharmacist, and practising assistant in pharmacy, defined.
3. State board of pharmacy, how appointed, and duties of.
4. Of examination, registration, and certificates, and fees for.
5. Penalty for falsely assuming to be a registered pharmacist, &c.; ex-

SECTION

- ception of sale of domestic medicines, when.
6. Practitioners of medicine, how far excepted from foregoing provisions.
7. Certain poisons, regulations for the sale of.
8. Penalty for adulterating, &c., drugs and medicines, and for selling same knowing them to be adulterated. Board of pharmacy to prosecute, &c.

SECTION 1. No person, unless a registered pharmacist, or registered assistant pharmacist in the employ of a registered pharmacist, or unless acting as an aid under the immediate supervision of a registered pharmacist, or a registered assistant pharmacist, within the meaning of this chapter, shall retail, compound, or dispense medicines or poisons, except as hereinafter provided. Who may retail, compound, or dispense, medicines or poisons.

SEC. 2. Every person, in order to be a registered pharmacist or a registered assistant pharmacist, within the meaning of this chapter, shall be either a graduate in pharmacy, a practising pharmacist, or a practising assistant in pharmacy. Graduates in pharmacy shall be such as have obtained a diploma from a regularly incorporated college of pharmacy, and shall have presented satisfactory evidence of their Definition of registered and assistant pharmacist. Graduates in pharmacy, who.

Practising pharmacist, who.

qualifications to the state board of pharmacy. A practising pharmacist shall be deemed to be a person, who, on the 24th day of March, A. D. 1871, kept, and continued thereafter to keep an open shop for compounding and dispensing the prescriptions of medical practitioners, and for the retailing of drugs and medicines, and who shall give to the state board of pharmacy satisfactory evidence of his qualifications, and shall have declared his intentions in writing of keeping open shop for the compounding of prescriptions and the retailing of drugs and medicines; and such other persons as shall have given to the state board of pharmacy satisfactory evidence of their qualifications, and shall have declared their intentions in writing of keeping open shop for the compounding of prescriptions, and the retailing of drugs and medicines. A practising assistant in pharmacy shall be deemed to be a person who shall have served three years' apprenticeship in a shop where the prescriptions of medical practitioners are compounded, and shall have passed a satisfactory examination before the state board of pharmacy.

Practising assistant in pharmacy, who.

State board of pharmacy, how appointed, and duties of.

SEC. 3. The state board of pharmacy shall consist of seven persons, to be appointed by the governor from the registered pharmacists of the state, and shall hold office for the term of three years, and until their successors are appointed. The members of the pharmaceutical board of the state, appointed by the governor, shall constitute, for the term for which they were appointed, the state board of pharmacy, within the meaning of this chapter. On the first of July, A. D. 1873, and in every third year thereafter, the governor shall appoint the state board of pharmacy; and in case of vacancy at any time, arising from resignation, death, or removal from the state, the governor shall have power to fill such vacancy from the registered pharmacists of the state. Four members of said board shall constitute a quorum. Said board shall organize by the election of a president and secretary; both of whom shall sign all certificates and other official documents. Said board shall meet twice a year, and shall have power to make by-laws and all necessary regulations, not repugnant to law, for the proper fulfilment of their duties. The secretary of said board shall also be registrar of pharmacists. The duties of said board shall be, to examine all applicants for registration; to direct the registration by the registrar of all persons properly qualified or entitled thereto, and report annually to the general assembly on the condition of pharmacy, together with the names of all registered pharmacists and assistant pharmacists. The duties of the registrar of pharmacists shall be, to keep a book in which shall be entered, under the supervision of the state board of pharmacy, the name and place of business of every person who shall apply for registration. The registrar shall note the fact against the name of any registered pharmacist, or assistant pharmacist, who may have died or removed from the state, or disposed of or relinquished his business, and shall make all necessary alterations in the location of persons registered under this chapter.

Of examination, registration, and certificates; and fees for.

SEC. 4. Every person applying for examination and registration shall pay to the state board of pharmacy ten dollars, and on passing the examination required, shall be furnished, free of expense, with a certificate of registration. Every registered assistant pharmacist may, with the consent of said board, be entitled to registration as a registered pharmacist, and shall be furnished with a certificate of registration, for which certificate he shall pay the registrar one dollar. Every certificate, issued by said board, shall be renewed annually, for which renewal one dollar shall be paid to the registrar. The fees received

for examinations, registration, and certificates, shall be appropriated to defray the expenses of the state board of pharmacy.

SEC. 5. Every person, not a registered pharmacist, who shall keep open shop for the retailing and dispensing of medicines and poisons; or who shall take, use, or exhibit the title of registered pharmacist; and every person who shall violate any of the provisions of this chapter, shall, upon the first conviction, be fined fifty dollars, and upon the second, and every subsequent conviction, shall be fined one hundred dollars; and all fines recovered shall enure, one half to the state, and the other half to the complainant: *Provided, however*, that in towns or parts of towns where there is no registered pharmacist within three miles, it may be lawful for any person to sell the usual domestic medicines put up by a registered pharmacist, and marked with his label; such person procuring annually a certificate from the state board of pharmacy therefor, and paying one dollar for such certificate.

Penalty for falsely assuming to be a registered pharmacist, &c.;

exception of sale of domestic medicines.

SEC. 6. Nothing hereinbefore contained shall apply to any practitioner of medicine, who does not keep open shop for the retailing, dispensing, or compounding of medicines or poisons, nor prevent him from administering or supplying to his patients such articles as he may deem fit and proper; nor shall it interfere with the making and dealing in proprietary medicines (popularly called patent medicines), unless such medicines be wholly or in part composed of some of the articles enumerated in schedule A, of this chapter; nor with the business of wholesale dealers in supplying medicines and poisons to registered pharmacists and physicians, and for use in the arts.

Practitioners of medicine, how far excepted from foregoing provisions.

SEC. 7. No person shall hereafter sell, either by wholesale or retail, any of the poisons enumerated in schedule A, of this chapter, without distinctly labelling the bottle, box, vessel, or paper, and wrapper or cover in which said poison is contained, with the name of the article, the word POISON, and the name and place of business of the seller; and every registered pharmacist selling or dispensing any of said poisons shall first enter in a book, to be kept for that purpose only, and subject always to inspection by the state board of pharmacy, or any officer or agent thereof, or other proper authority, and to be preserved for at least five years, a record of the same in accordance with schedule B of this chapter: *Provided*, that if any of said poisons form a part of the ingredients of any medicine or medicines compounded in accordance with the written prescription of a medical practitioner, the same need not be labelled with the word poison; but all prescriptions, whether or not composed in part or in whole of any of said ingredients, shall be carefully kept by the pharmacist on a file or in a book, used for that purpose only, and numbered in the order in which they are received or dispensed, and every box, bottle, vial, vessel, or packet containing medicines so dispensed, shall be labelled with the name and place of business of the registered pharmacist so dispensing said medicine, and be numbered with a number corresponding with that on the original prescription, retained by said pharmacist on such book or file. Such prescription shall be preserved at least five years, and shall be open to the inspection of the writer thereof, and a copy shall be furnished free of expense, when demanded by either the writer or the purchaser thereof.

Certain poisons, regulations for the sale of.

SEC. 8. Every person who shall knowingly adulterate, or cause to be mixed, any foreign or inert substance with any drug or medicinal substance, or any compound medicinal preparation recognized by the pharmacopœia of the United States, or of other countries, as employed in medicinal practice, with the effect of weakening or destroying its

Penalty for adulterating, &c., drugs and medicines, and knowingly selling same.

medicinal power, or who shall sell the same knowing it to be adulterated, shall, in addition to the penalties prescribed in section five hereof, forfeit to the use of the state, all articles so adulterated found in his possession, and shall be deprived of the right of practising as a pharmacist in this state thereafter. Whenever complaint shall be made of any violation of the provisions of this section, the state board of pharmacy, on being notified thereof, shall make investigation of the same, employing competent persons, when necessary, to make analysis of the articles alleged to be adulterated; and if such complaint shall be substantiated, said board shall assist in making prosecution against the respondent.

Board of pharmacy to prosecute, &c.

Schedule A.

SCHEDULE A.

<p>Arsenic and its preparation. Cotton Root and its preparation. Corrosive Sublimate. Cyanide of Potassium. Ergot and its preparations. Hydrocyanic Acid. Opium and its preparations, paregoric excepted.</p>	<p>Oxalic Acid. Savin. Strychnia. Volatile Oil of Bitter Almonds, of Pennyroyal, of Savin, and of Tansy. Proprietary or secret medicines recommended, sold, or advertised as Emmenagogues and Parturients.</p>
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Schedule B.

SCHEDULE B.

Form in which registered pharmacists and retail dealers in poison shall keep their poison-book.

Date.	Name of purchaser.	Name and quantity of Poisons sold.	For what purpose said to be required.	Remarks.
			.	

CHAPTER 120.

OF HAY.

SECTION

1. Hay and straw in bundles, to be weighed and marked before delivery.
2. Penalty for concealing, &c., in bundles, damaged or inferior, &c., hay, or selling same.

SECTION

3. Penalty for violating provisions of this chapter; exception of sales for consumption and by standard weight.

SECTION 1. Before any hay or straw pressed into bundles shall be delivered to any purchaser within this state, the same shall be weighed by some town weigher, and the tare for wood and other bindings about the said bundles, as nearly as the same can be ascertained without unbinding the same, shall be deducted therefrom, and the gross weight of such bundle, with the tare ascertained as aforesaid, and the said weight of the hay or straw therein, shall, in legible figures, with the initials of the weigher, be marked upon some board or wood attached to each bundle of hay or straw.

Hay and straw in bundles, to be weighed and marked before delivery.

SEC. 2. Every person who shall put into or conceal in any bundle of hay or straw, any wet or damaged hay or other material, or hay of an inferior quality to that which plainly appears upon the outside of such bundle, or who knowingly offers for sale, or sells, any bundle of hay as merchantable, in which there is concealed any such wet, damaged, or inferior hay or other materials, shall be deemed guilty of a misdemeanor.

Penalty for concealing, &c., in bundles, damaged, &c., hay, or selling same.

SEC. 3. Every person violating any of the provisions of this chapter shall be fined twenty dollars, and forfeit one hundred dollars, one half to the use of the town, and one half to the use of the person who shall sue for the same. But nothing herein contained shall be construed to apply to the sale of hay and straw sold by the producer thereof for consumption and not to be resold, nor to prevent the purchase of commodities by a standard weight expressly agreed upon by the parties.

Penalty for violating provisions of this chapter; exception of sales for consumption, and by standard weight.

TITLE XVII.

OF THE REGULATIONS OF TRADE.

- CHAPTER 121. Of partners and joint debtors.
- CHAPTER 122. Of limited partnerships.
- CHAPTER 123. Of principals and agents or factors.
- CHAPTER 124. Of auctioneers.
- CHAPTER 125. Of expressmen.
- CHAPTER 126. Of common carriers.
- CHAPTER 127. Of hawkers and peddlers.
- CHAPTER 128. Of legal interest.

- CHAPTER 129. Of bills of exchange and promissory notes.
- CHAPTER 130. Of weights and measures.
- CHAPTER 131. Of gauging.

CHAPTER 121.

OF PARTNERS AND JOINT DEBTORS.

SECTION

1. Copartner may make separate composition with creditors, when.
2. Effect of such composition.
3. Same subject.
4. Evidence of such composition.
5. Effect of such composition on

SECTION

- other copartners and their creditors.
- 6. Right of other copartners to call on partner compromising for contribution.
- 7. Provisions foregoing to extend to joint debtors.

When copartner may make separate composition with creditors.

SECTION 1. Whenever any copartnership shall be dissolved, any individual who was embraced in such copartnership may make a separate composition or compromise with any one or all of the creditors of such copartnership.

Effect of.

SEC. 2. Such composition or compromise shall be a full and effectual discharge to the debtor making the same, of the whole of said debt, and be taken and considered in reference to the other copartners as actual payment of such debtor's proportion of the debt, whether the full amount of his proportion of said debt be actually paid, or not.

Same subject.

SEC. 3. In case an amount exceeding his proportion be actually paid, it shall be taken and considered as payment of the amount of debt actually paid.

Evidence of.

SEC. 4. Every such debtor making a composition or compromise, shall take from the creditor with whom he may make the same a note or memorandum in writing, exonerating him from all individual liability, incurred by reason of such connection with such copartnership; which note or memorandum may be given in evidence by such debtor under the general issue, in bar of such creditor's right of recovery against him.

Effect of such composition on other copartners and their creditors.

SEC. 5. Such composition or compromise shall not be so construed as to discharge the other copartners, except as provided in the second and third sections of this chapter; nor shall it impair the right of the creditor to proceed at law or in equity against the members of such copartnership who have not been discharged; and the members of the copartnership so proceeded against shall be permitted to set off any demand against said creditor which could have been set off, had said suit been against all the individuals composing said firm; and they may avail themselves of any defence in law or equity that would have been available had not this chapter been passed: except that they shall not set up the discharge of one individual as a discharge of all the other copartners, unless it shall appear that all were intended to be discharged.

Right of other copartners to call on compromising partner

SEC. 6. Such composition or compromise shall in nowise affect the right of the other copartners, or any of them, to call on the individual making such compromise for any sum beyond said individual's

original portion of said debt, if in consequence of the insolvency, inability to pay, or absconding of any one of said copartners, such individual so compromising should become liable to pay more than his proportion of said debt, either in law or equity.

for contribution.

SEC. 7. The above provisions in reference to copartners shall extend to joint debtors, who are hereby authorized, individually, to compound or compromise for their joint indebtedness, with the like effect to creditors and to joint debtors of the individual so compromising, as is above provided in reference to copartners.

Provisions foregoing to extend to joint debtors.

CHAPTER 122.

OF LIMITED PARTNERSHIPS.

SECTION

1. For what purposes limited partnerships may be formed.
2. General and special partners; liability of each.
3. Certificate of firm, names, &c., of partners, capital, nature of business, and duration, to be signed.
4. Certificate, how executed and recorded.
5. Certificate to be published.
6. Proceedings on renewal for further term. |
7. Liability for false statement in certificate.

SECTION

8. In what name business to be conducted.
9. Limit of dividends and withdrawal of capital.
10. General assignment by insolvent limited partnership, rendered void by preferences.
11. Claim of special partner in case of insolvency.
12. Suits, how prosecuted.
13. Limited partnership, how dissolved.
14. Rights and liabilities in cases not provided for.

SECTION 1. Limited partnerships for the transaction of mercantile, mechanical, or manufacturing business within this state, may be formed by two or more persons, upon the terms and subject to the conditions and liabilities herein prescribed; but nothing herein contained shall authorize any such partnership for the purpose of insurance, or banks of issue and circulation.

For what purposes may be formed.

SEC. 2. Such partnerships may consist of one or more persons who shall be called general partners, and shall be jointly and severally responsible as general partners now are by law; and of one or more persons who shall contribute to the common stock a specific sum in actual cash payment as capital, and who shall be called special partners, and shall not be personally liable for any debts of the partnership, except in the cases hereinafter mentioned.

General and special partners; liability of each.

SEC. 3. The persons forming any such partnership shall make and severally sign a certificate which shall set forth:—

Certificate to be signed setting forth:

1. The name or firm under which the partnership is to be conducted;
2. The names and respective places of residence of all the general and special partners, distinguishing who are general and who are special partners;
3. The amount of capital which each special partner has contributed to the common stock;
4. The general nature of the business to be transacted;

name of firm;

names, &c., of partners;

capital;

nature of business;

- duration. 5. The time when the partnership is to commence ; and when it is to terminate.
- Certificate, how executed and recorded. SEC. 4. No such partnership shall be deemed to have been formed until a certificate so made and signed shall be acknowledged by all the parties, before some justice of the peace or notary public, and filed in the office of the clerk of the town in which the principal place of business of the partnership is situated, and recorded by such clerk in a book to be kept for that purpose. If the partnership shall have places of business situated in different towns, the certificate shall be filed and recorded in like manner in the office of the clerk of every such town.
- Certificate to be published. SEC. 5. The parties shall publish a copy of the certificate for six successive weeks, immediately after the registry thereof, in at least two newspapers printed within this state ; and in case such publication be not made, the partnership shall be deemed general.
- Proceedings on renewal for further term. SEC. 6. Upon any renewal or continuation of a limited partnership, beyond the time originally fixed for its duration, a certificate thereof shall be made, acknowledged, filed, recorded, and published in the like manner as is herein provided for its original formation ; otherwise the renewal or continued partnership shall be deemed a general partnership.
- Liability for false statement. SEC. 7. If any false statement be made in any certificate herein required, all the persons interested in the partnership shall be liable as general partners, for all the engagements thereof.
- In what name business to be conducted. SEC. 8. The business of the partnership shall be conducted under a firm in which the names of the general partners only shall be inserted, and the general partners only shall transact the business ; and if the name of any special partner shall be used in the firm with his consent or privity, or if he shall personally make any contract respecting the concerns of the partnership with any person except the general partners, he shall be deemed and treated as a general partner. If the firm consists of more than three members, all their names need not be inserted in the style of the firm, but the firm name may embrace the names of one or more of the partners, with the words, "and company," added.
- Limit of dividends and withdrawal of capital. SEC. 9. During the continuance of any partnership under the provisions of this chapter, no part of the capital stock thereof shall be withdrawn, nor any division of the interest or profits be made, so as to reduce such capital stock below the sum stated in the certificate before mentioned ; and if, at any time during the continuance or at the termination of the partnership, the property or assets shall not be sufficient to pay the partnership debts, then the special partners shall severally be held responsible for all sums by them in any way received, withdrawn, or divided, with interest thereon from the time when they were so withdrawn respectively.
- General assignment by insolvent, &c., partnership, rendered void by preferences. SEC. 10. No general assignment by any limited partnership in case of insolvency, or where the goods and estate of the partnership are insufficient for the payment of all the debts thereof, shall be valid, unless it shall provide for a distribution of the partnership property among all the creditors, in proportion to the amount of their several legal claims, excepting the claims of the government of the United States, arising from bonds for duties which are first to be paid or secured.
- Claim of special partner. SEC. 11. In case of the insolvency of any limited partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor, until the legal claims of all the other creditors of the partnership shall be satisfied.

SEC. 12. All suits respecting the business of such partnership shall be prosecuted by and against the general partners only; except in those cases in which provision is herein made that the special partners shall be deemed general partners, and special partnerships shall be deemed general partnerships, in which cases all the partners deemed general partners may join or be joined in such suits; and excepting also those cases where special partners shall be held severally responsible on account of any sums by them received or withdrawn from the common stock, as before provided.

Suits how prosecuted.

SEC. 13. No dissolution of a limited partnership shall take place, except by operation of law, before the time specified in the certificate before mentioned, unless a notice of such dissolution shall be recorded in the clerk's office wherein the original certificate or the certificate of renewal or continuation of the partnership was recorded, and in every other clerk's office where a copy of such certificate was recorded; and unless such notice shall also be published for six successive weeks, in at least two newspapers printed within this state.

Limited partnership, how dissolved.

SEC. 14. In all cases not otherwise provided for, the members of limited partnerships shall be subject to all the liabilities, and entitled to all the rights, of general partners.

General rights and liabilities.

CHAPTER 123.

OF PRINCIPALS AND AGENTS OR FACTORS.

SECTION

1. Of the lien of consignee for advances.
2. Of qualified ownership of goods for certain purposes and in hands of certain persons.
3. Certain bailees prohibited from selling or pledging goods.

SECTION

4. Purchases and sales by agents valid, when.
5. Right of owner to recover goods from consignee, &c.; price from purchaser; and goods pledged or their proceeds.

SECTION 1. The consignee of merchandise shipped shall have a lien thereon for any money or negotiable security, by him advanced upon the faith of such shipment to, or for the use of, the person in whose name the shipment shall have been made, in the same manner, and to the same extent, as if such person were the true owner thereof: *Provided*, at the time of the advance, the consignee shall have had no notice or knowledge that the shipper was not the true owner of such merchandise.

Of the lien of consignee for advances.

SEC. 2. Every person intrusted with, and in the possession of goods, for the purpose of sale, or of any bill of lading, receipt, or certificate of a warehouse keeper or inspector, or of any warrant or order for the delivery of goods, shall be deemed the true owner of the goods so by him possessed, or described in either of said instruments, in favor of the purchaser or pledgee of such goods, for money or negotiable security: *Provided*, that such purchaser or pledgee, at the time of payment or advance as aforesaid, shall have had no notice or knowledge that the possessor of such goods or instrument was not the true owner of such goods by him possessed, or in such instrument described.

Of qualified ownership of goods, for certain purposes, and in hands of certain persons.

Certain bailees prohibited from selling or pledging goods.

SEC. 3. Nothing in the preceding section shall be construed to authorize a common carrier, warehouse keeper, or other person, to whom merchandise or other property may have been committed for transportation or storage only, to sell or pledge the same; nor shall any person taking in deposit or pledge merchandise, or goods described in either of the instruments therein mentioned, from any agent for sale, warehouse keeper, or inspector, for an antecedent debt, be entitled to any greater interest in such goods or instrument, than was possessed by such agent, warehouse keeper, or inspector, at the time of such deposit or pledge.

Purchases and sales by agents valid, when.

SEC. 4. All purchases, and contracts for the purchase of goods, made with, and all payments for goods made to, any agent intrusted therewith, or with or to the consignee thereof, in the ordinary course of business, shall bind the owner of such goods in favor of the purchaser, contractor, or payee, though knowing of the agency or consignment: *Provided* he had, at the time of such purchase, contract, or payment, no notice or knowledge that such agent or consignee was not authorized to sell, or receive payment for, such goods.

Right of owner to recover goods from consignee, &c., price from purchaser; and goods pledged or their proceeds.

SEC. 5. Nothing in this chapter contained shall be construed to prevent the true owner of any goods shipped, intrusted, deposited, or pledged as hereinbefore described, from demanding the same from his factor, agent, or consignee, before the same shall have been so sold, contracted to be sold, deposited, or pledged; nor to prevent such owner from demanding and receiving from any such purchaser the sum agreed to be paid for the purchase of such goods, subject to any right of set-off on the part of such purchaser against such agent or factor; nor to prevent any such owner from demanding and recovering such goods from any person with whom the same may have been so deposited or pledged as a security for any money or other property advanced, or any negotiable security or obligation in writing given as aforesaid, upon repayment of such money, or restoration of such other property, and satisfaction of such security or obligation in writing so advanced, together with such further sum as shall, with the amount so advanced by such depositary or pledgee, be equal to the money or other property and security or obligation in writing, if any, advanced by such agent or factor to such owner, or to the amount for which such agent or factor has a lien on the same goods; nor to prevent such owner from recovering from such depositary or pledgee, any balance or sum of money remaining in his hands as the produce of the sale of such goods, after deducting thereout the amount of the money or other property or security in writing so advanced; and the amount so set off and retained by such purchaser or paid by such owner on redeeming such goods, or in any manner allowed by him on recovering the same or the produce of the sale thereof, shall be deemed and taken as so much paid by him to and for the use of such agent or factor.

CHAPTER 124.

OF AUCTIONEERS.

SECTION

1. Town council may appoint auctioneers; their term of office.

SECTION

2. They shall give bond; its condition.

SECTION

- 3. Town treasurer to transmit names and copy of bond to general treasurer under penalty.
- 4. How bond to be sued.
- 5. Judgment on, how rendered, and execution thereon.
- 6. Proceedings on *scire facias*; proceedings when general treasurer sues on bond.
- 7. Duty of auctioneers respecting conditions of sale.
- 8. Commissions of auctioneers.
- 9. Town and city councils empowered to regulate sales and commissions.
- 10. Auction sales, by whom made; subject to duty in what cases.
- 11. Duties on sales of articles liable to duty.

SECTION

- 12. Duties, how calculated and collected.
- 13. Same subject.
- 14. Same subject.
- 15. Auctioneers to render account.
- 16. Oath of auctioneer to account.
- 17. Auctioneer to pay over duties; affidavit, if none to pay.
- 18. Penalty on auctioneer for neglect of duty.
- 19. When auctioneer may sell in other towns of his county.
- 20. Returns of such sales, how to be made.
- 21. Penalty for exercising the office without being chosen and qualified.

SECTION 1. In addition to the auctioneers elected in town meeting, the town council of any town may, from time to time, appoint as many more for their town as they may deem expedient; to hold their offices until the next annual election of town officers.

Town council may appoint; term of office.

SEC. 2. Every auctioneer shall, within ten days after his election or appointment, give bond to the town treasurer, with sufficient sureties, in a sum not exceeding ten thousand dollars, nor less than two thousand dollars, at the discretion of the said town treasurer, with condition, faithfully to execute the duties of his office according to law; to pay over all moneys received by him for goods sold at auction to the owners thereof, and to pay over all duties to the state and to the town, which shall accrue on goods so sold by him.

To give bond;

its condition.

SEC. 3. The town treasurer of each town shall transmit to the general treasurer the name of every auctioneer appointed as aforesaid, and a copy of the bond of such auctioneer, within twenty days from the time every such bond shall be given; and if any town treasurer shall neglect to transmit the name of any auctioneer, or the copy of the bond by him given, to the general treasurer as aforesaid, he shall forfeit one hundred dollars; to be sued for and recovered by the general treasurer, to the use of the state.

Town treasurer to transmit names and copy of bond to general treasurer, under penalty.

SEC. 4. The bond aforesaid may be sued in the name of the town treasurer, by any person claiming a forfeiture thereon; such person first, giving security for costs by endorsing the writ, or by procuring some sufficient citizen of the state to endorse the same, who shall be liable for costs in case the defendant recover, and against whom execution shall issue therefor.

How bond to be sued.

SEC. 5. In case of forfeiture adjudged in an action on said bond, judgment shall be rendered for the penalty of the bond, and execution shall issue for the sum ascertained to be due to the plaintiff.

Of judgment and execution.

SEC. 6. Like security for costs shall be given, and like proceedings had, when *scire facias* is sued out upon said judgment for an additional breach of said bond: *Provided*, that when any suit shall be commenced on it by the general treasurer, notice of such fact shall be endorsed on the writ, but no security for costs shall be given, nor shall the defendant in such case recover costs, in any event.

Proceedings on *scire facias*; and when general treasurer sues.

SEC. 7. Every auctioneer, before exposing any real or personal

- Of conditions of sale. estate to public sale, shall make out in writing, and sign, and publicly read, the conditions of sale.
- Commissions of auctioneers. SEC. 8. Whenever the whole amount of sales at any public auction shall not exceed four hundred dollars, the auctioneer shall have two and one half per cent. commissions; but if the amount exceed that sum he shall have only one and one half per cent.
- Town and city councils may regulate sales and commissions. SEC. 9. The town councils of the several towns, and city councils of Providence and Newport, shall have power to establish such regulations, for the conducting of sales and auctioneers' commissions in their respective towns, as they may think necessary; anything in the next preceding section to the contrary notwithstanding.
- Auction sales, by whom made; subject to duty in what cases. SEC. 10. All sales by auction shall be made by an auctioneer, and shall be subject to a duty to the state, except the following, namely: sales made pursuant to any judgment, sentence, decree, order, or rule of any court or judicial officer of the state, or of any court of the United States having jurisdiction within this state; sales made by virtue of any writ, execution, warrant of distress, or order of law, or the property of any town; sales of property held by executors, administrators, or guardians of estates lying or being within this state; sales of pews or choice of pews in houses of public worship, and sales of goods exhibited at any fair held by the Rhode Island Society for the Encouragement of Domestic Industry, or by the Aquidneck Agricultural Society, and which may be sold by auction during the continuance of said fair.
- Amount of duty. SEC. 11. The duty upon all articles sold by auction in this state, and which are liable to duty, shall be one tenth of one per cent., and shall enure, the one eighth part to the use of the town in which such sales shall be made, and the remainder thereof to the use of the state.
- How calculated and collected. SEC. 12. The duties aforesaid shall be calculated on the sums for which the goods so exposed to sale shall be respectively struck off, and shall be, by the auctioneer selling the same, retained out of his said sales, and paid over to the proper officer.
- Same subject. SEC. 13. Where any sale or bidding shall be made at public auction in regard to any real estate, or in regard to any goods, wares, merchandise, or other personal property, upon any less quantity than the whole, for the purpose of fixing the price of any larger quantity, or of the whole, in every such case the whole amount of the property sold, transferred, contracted for, or negotiated by the terms and conditions of such auction, shall be subject to a duty as if the whole had been set up and sold by auction.
- Same subject. SEC. 14. Whenever any auction shall have been actually begun, and the final purchase or bidding shall have been made by the owner of the property, by the auctioneer, or by any person employed by either of them, the same duty shall be paid as if the bidding had been made by any other person.
- Auctioneers to render account. SEC. 15. Every auctioneer shall, within twenty days after the expiration of every six months, the first six months to be computed from the date of his bond, render a just and true account in writing, subscribed by him, to the general treasurer, of all goods, wares, and merchandise, subject to duty, by him sold as aforesaid, from the time of his appointment, and giving bond as aforesaid, or the time that the last account by him was transmitted or rendered as aforesaid, the amount of each day's sale, and the date thereof.
- Oath of auctioneers to account. SEC. 16. Such auctioneer shall take, before any magistrate authorized to administer oaths, the following oath, to be endorsed and certi-

fied on the account so rendered, as aforesaid: "I do solemnly swear (or affirm) that this account, to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandise, and effects sold or struck off by me, subject to duty by law, within the time mentioned in the said account; and of the days upon which the same were respectively sold; and that I have attended such sales personally, and have examined the entries of such sales in the book kept by me for that purpose, and know this account to be in all respects correct:" to which oath or affirmation the said auctioneer shall subscribe his name.

SEC. 17. Every such auctioneer shall, within ten days after rendering the account, and taking the oath aforesaid, pay the amount of duty upon such account of sales to the general treasurer, for the use of this state; and the amount of duty due the town to the town treasurer; and in case no sales on which duties are payable shall have been made, the auctioneer shall make an affidavit thereof, at the time and in the manner above directed, and transmit such affidavit to the general treasurer.

Auctioneer to pay over duties;

affidavit, if none to pay.

SEC. 18. In case any auctioneer shall fail to render his account or affidavit to the general treasurer as aforesaid, or shall fail to pay the duty due the state or town at the time and in the manner aforesaid, he shall forfeit for every such neglect five hundred dollars, to be sued for by the general treasurer, to the use of the state; unless the neglect be in not paying the duty due the town, and then by the town treasurer, to the use of the town.

Penalty on auctioneers for neglect of duty.

SEC. 19. Every auctioneer elected and qualified according to law in any town, may sell real and personal estate in any other town in the county in which he shall have been so elected: *Provided*, such other town shall have failed to elect or appoint an auctioneer; or if the auctioneer elected by such town shall have failed to qualify himself according to law within ten days after his election.

When auctioneer may sell in other towns of his county.

SEC. 20. Every auctioneer having made sales in any other town than the town in which he is elected or appointed, shall make returns of such sales to the town in which they shall have been made, in the same manner as he is now required to make returns to the town in which he is elected, and such auctioneer may omit from his returns to the town in which he is elected, any sales made by him as aforesaid.

Returns of such sales, how to be made.

SEC. 21. If any person shall hereafter assume or exercise the office of an auctioneer in any town, unless as above excepted, without being legally chosen thereto, and without being duly qualified, he shall forfeit five hundred dollars, to be recovered by the town treasurer, to the use of such town.

Penalty for falsely assuming office.

CHAPTER 125.

OF EXPRESSMEN.

SECTION

1. Expressmen to comply with provisions of this chapter.
2. To appoint some resident citizen to accept service of process.

SECTION

3. Copy of power to be filed in office of secretary; certified copies evidence.

SECTION

4. Of new appointments, and revocation of powers.
5. Service of process on attorney valid.
6. Other papers and statements to

Expressmen, &c., to comply with provisions of this chapter.

To appoint some resident citizen to accept service of process.

Copy of power, where filed, what evidence of.

Of new appointments and revocation of powers.

Service on attorney valid.

Other papers to be filed in office of secretary of state.

Penalty for violating this chapter.

SECTION

- be filed in office of secretary of state.
7. Penalty for violating provisions of this chapter.

SECTION 1. No corporation, unless incorporated by the general assembly, and no individual or copartnership, unless such individual or copartnership, or the members of such copartnership, are residents of this state, shall transport or engage in the transportation of any goods, wares, merchandise, or parcels of any description within this state, until such corporation, individual, or copartnership, shall have complied with the provisions of this chapter.

SEC. 2. Every such corporation, individual, or copartnership shall, by a written power, appoint some citizen of this state resident therein their attorney, with power and authority to accept service of all lawful process against such corporation, individual, or copartnership, and to cause an appearance to be entered in like manner as if said corporation had existed, or said individual or the members of said copartnership had been residents of, and been duly served with, process within this state.

SEC. 3. A copy of such power of attorney, duly certified and authenticated, shall be filed with the secretary of state, and copies thereof duly certified shall be received in evidence in all courts in this state.

SEC. 4. If such attorney shall die or resign, or be removed, such corporation, individual, or copartnership shall make a new appointment as aforesaid, and file a copy with the said secretary as above prescribed, so that at all times there shall be within this state an attorney authorized as aforesaid; and no such power of attorney shall be revoked, until after like power shall have been given to some competent person and a copy thereof filed, as aforesaid.

SEC. 5. Service of process upon such attorney shall be deemed sufficient service upon his principals.

SEC. 6. Every such corporation or copartnership shall file in the office of the secretary of state, with the written power aforesaid, a copy of the charter of such corporation, or list of the names and the places of residence of all the members of said copartnership.

SEC. 7. Every person, corporation, or copartnership violating any of the provisions of this chapter, shall forfeit five hundred dollars.

CHAPTER 126.

OF COMMON CARRIERS.

SECTION

1. Duties of common carriers.
2. Provisions foregoing may be enforced by injunction or mandamus.
3. Penalty upon carrier for refusing

SECTION

- or neglecting to transport goods, &c.
4. Liability of carrier to person aggrieved by such neglect or refusal.

SECTION

- 5. When common carrier may sell unclaimed articles; proceedings in such case.
- 6. When perishable property may be

SECTION

- sold, and how, and disposition of proceeds of sale.
- 7. Disposition of proceeds, if owner or consignee does not appear within six months after sale.

SECTION 1. Every person who is a common carrier, shall receive and transport all goods, wares, and merchandise offered to him by any person, as promptly and upon as favorable terms and conditions as such common carrier is receiving and transporting goods, wares, and merchandise, at the place in which the same are offered to be delivered to him, in the ordinary course of his business, for any other person.

Duties of common carriers.

SEC. 2. The supreme court, or any justice thereof, in term time or vacation, may enforce compliance with the foregoing provisions by writ of injunction or mandamus.

How enforced.

SEC. 3. Every person, being a common carrier as aforesaid, who shall refuse or neglect to receive and transport goods, wares, and merchandise, in the manner above provided, shall forfeit not less than fifty dollars, nor more than five hundred dollars, for every offence.

Penalty for refusal, &c., to transport goods.

SEC. 4. Every such person who shall so neglect or refuse, shall also be liable to any person aggrieved, in an action on the case, for any injury sustained by him, by reason of such neglect or refusal.

Liability to person aggrieved, &c.

SEC. 5. Every common carrier who shall have had any unclaimed article, not perishable, in his possession for a period of one year, may sell the same at public auction, and out of the proceeds may retain the charges of transportation, storage, and advertising, and expense of sale thereof; but no sale shall be made until the expiration of four weeks from the publication of notice of such sale in a newspaper published at the place where such sale is to take place, if one is there published; if not, in the one published nearest to said place of sale; and such notice shall contain a description of such article, together with the name of the person to whom addressed.

When carriers may sell unclaimed articles; proceedings in such case.

SEC. 6. Whenever any common carrier has transported property consisting of either fresh meats, fresh fish, shell fish, fruit, vegetables, or other perishable property, to their place of destination, and has notified the owner or consignee thereof of the arrival of the same, and the owner or consignee after such notice has refused or omitted to receive and take away the same, and pay the freight and proper charges thereon, said carrier may sell the same at public or private sale without advertising, and the proceeds, after deducting the amount of said freight and charges, and expense of sale, shall be paid to the owner or consignee: *Provided*, that if the owner or consignee cannot be found on reasonable inquiry, the sale may be made without such notice.

When perishable property may be sold, and how, and disposition of proceeds of sale.

SEC. 7. The proceeds of all property thus sold, after deducting costs of transportation, storage, advertising, and expense of sale, in case the owner or consignee does not appear within six months after said sale, shall be paid over to the general treasurer for the use of the state, and the person making such payment shall, at the time thereof, file with the general treasurer a particular account in writing, verified by his oath, or the oath of some other competent person, of the property sold, and of said cost of transportation, storage, advertising, and expense of sale.

Proceeds, how disposed of, if not claimed within six months.

CHAPTER 127.

OF HAWKERS AND PEDDLERS.

SECTION

1. Penalty for hawking and peddling without license.
2. Each sale a separate offence.
3. Offenders, how prosecuted; proceedings on complaint.
4. General treasurer to grant licenses; price of same.
5. Fee of general treasurer.
6. List of licenses to be kept by treasurer; duration and limitation of license.

Penalty for hawking or peddling without license.

Each sale a separate offence.

Offender, how prosecuted; proceedings on complaint.

General treasurer to grant licenses; price of same.

SECTION

7. Peddler to show license on demand; penalty.
8. Licenses may be transferred, how.
9. Exceptions to the provisions of this chapter.
10. Certain domestic manufactures excepted.
11. Writ or warrant to recover forfeiture, additional service of.

SECTION 1. Every person, unless licensed as hereinafter required, who shall, as a hawker or peddler, sell or offer for sale, or carry through or into any town in this state, to be sold or bartered from packs, packages, horses, carts, or other vehicles, any goods, wares, or merchandise whatever, shall forfeit fifty dollars.

SEC. 2. Every individual sale, or offer for sale, made contrary to the provisions of this chapter, shall be deemed and construed as a distinct and separate offence; and the person making the same shall be liable to be prosecuted therefor, in the manner hereinafter prescribed.

SEC. 3. Whenever complaint shall be made to any trial justice or clerk of a justice court within his county, that any person within such county is selling, or offering for sale, any article contrary to the preceding section, such trial justice or clerk shall examine the complainant under oath, reduce his complaint to writing, and cause the same to be by him signed. If the complainant shall then enter into a recognizance in such sum, not exceeding fifty dollars, with such surety as the trial justice or clerk shall direct and approve, to prosecute such complaint to final judgment with effect, or in default thereof to pay the costs that may accrue thereon, such trial justice or clerk shall issue a warrant to seize the article or articles so offered for sale; together with all other prohibited merchandise then in the immediate possession of the person complained of, with the packs, packages, carriage, and horse, or other vehicle, upon or in which the same shall have been transported; and to summon such person to appear before the justice court of said town, and show cause why all such property should not be adjudged forfeited; and if, upon trial, it shall appear that such complaint is true, then all such property so seized shall be forfeited.

SEC. 4. The general treasurer may grant and issue, to any person he may deem suitable, a license for the whole state, or for either of the counties, for offering for sale and for selling, as a hawker and peddler, watches, jewelry, gold or silver ware, or articles manufactured of German silver, upon the payment to the general treasurer for the uses of the state, the following sums: two hundred dollars for a license as aforesaid, for the whole state; one hundred dollars for Providence county; and fifty dollars for each of the other counties; and may grant and issue a license, for offering for sale, and for selling, as hawker and peddler, any other goods, wares, and merchan-

dise whatever, except as hereinafter provided, for the whole state, or for either of the counties, upon the payment to the general treasurer, for the use of the state, the following sums; one hundred dollars for a license for the whole state, fifty dollars for the county of Providence, and twenty-five dollars for each of the other counties; and a license for the whole state, only as a hawker and peddler for offering for sale and for selling any article which, by reason of the protection afforded by patents of the United States or otherwise, does not come into competition with the general sale thereof in the towns of this state, upon the payment of fifty dollars, for the use of the state. Such license shall describe the article so patented, and be issued for the sale of that only, and no person holding such license shall hold a general hawker's and peddler's license for the sale of any other article.

SEC. 5. The sum of one dollar shall be paid to the general treasurer for his use, for each license, by the person applying therefor.

Fee of general treasurer.

SEC. 6. The general treasurer shall, at the time of issuing such license, enter upon a list kept for that purpose the name of the person so licensed, the kind of license, and the time of the expiration of such license; and shall also furnish to any person who may request it, a statement, copied from said list, of all such licenses as may be or may have been in force in any year designated by the person requesting such statement; and every such license shall continue in force for and during the term of one year from the granting thereof, and no longer; and shall authorize only the person named therein to sell and offer for sale as aforesaid.

List of licenses to be kept by treasurer;

duration and limitation of license.

SEC. 7. If any person selling or offering for sale as a hawker or peddler any goods, wares, or merchandise whatever, shall, after being by any inhabitant of this state, or any person having a license under this chapter, distinctly requested to show his license, neglect or refuse, for the space of ten minutes, to show a license, then in force according to the provisions of this chapter, and allow the same to be read, every such person, if sued or prosecuted under this chapter, shall be adjudged to pay all the costs of such suit or prosecution, although it shall appear on trial that he had a license duly issued and in force at the time of the alleged offence.

License to be shown on demand;

penalty for refusing, &c.

SEC. 8. The general treasurer may, for cause shown, authorize the transfer to any one person, of any license granted in conformity to the provisions of this chapter. Such transfer shall be made at the office of the general treasurer; and there shall be paid to the general treasurer at the time of making the same, the sum of two dollars for his use, for attending to such transfer.

Licenses may be transferred, how.

SEC. 9. The provisions of this chapter shall not apply to any person selling religious books and publications in behalf of bible, tract, or other religious or moral societies, for the purpose of promoting religious or moral improvement, and which are sold for that purpose and not for pecuniary profit; nor to butchers retailing meats from carts; nor to fruit or vegetable dealers for retailing fruits or vegetables from carts or baskets.

Exceptions to the provisions of this chapter.

SEC. 10. Nothing in this chapter contained shall be construed to require any one to procure a license to enable him to peddle any article manufactured with his own hands, or to prevent him from vending without license, tow cloth, knit stockings, gloves, and mits, and all other articles of household manufacture.

Certain domestic manufactures excepted.

SEC. 11. Whenever any writ or warrant shall be served for the recovery of any forfeiture incurred under the provisions of this chap-

Copy of writ, &c., for general treasurer.

ter. the officer charged with the service thereof shall send a copy of such writ or warrant to the general treasurer, in addition to the other service required by law.

CHAPTER 128.

OF LEGAL INTEREST.

SECTION 1. Rate of interest to be six dollars on a hundred, unless a different rate is stipulated.

Rate, what to be, unless another stipulated.

SECTION 1. Interest in the rendition of judgments, and in all business transactions where interest is secured or paid, shall be computed at the rate of six dollars on a hundred dollars for one year, unless a different rate is expressly stipulated.

CHAPTER 129.

OF BILLS OF EXCHANGE AND PROMISSORY NOTES.

SECTION

1. Damages and interest on foreign bills.
2. Action against drawer and endorsers may be joint or several.
3. Damages and interest on inland bills.
4. Days of grace not allowed on bills drawn at sight.
5. Action by or against corporations on promissory notes.

SECTION

6. Promissory notes payable to order or bearer, assignable; action by endorsee against maker or prior endorser.
7. What days shall be holidays.
8. Bills and notes falling due on such holidays; when to be presented for payment and protested.

Damages and interest on foreign bills.

SECTION 1. Whenever any foreign bill of exchange is or shall be drawn or endorsed within this state for the payment of any sum of money, and such bill is, or shall be returned from any place or country without the limits of the United States, protested for non-acceptance or non-payment, the drawer or endorser shall be subject to the payment of ten per cent. damages thereon and charges of protest, and the bill shall carry an interest of six per cent. per annum from the date of the protest.

Action against drawer or endorser may be joint or several.

SEC. 2. Any person having a right to demand any sum of money upon a foreign protested bill of exchange as aforesaid, may commence and prosecute an action for principal, damages, interest, and charges of protest against the drawers or endorsers, jointly or severally, or against either of them separately; and judgment shall and may be given for such principal, damages, and charges, and interest upon such principal after the rate aforesaid, to the time of such judgment, together with costs of suit.

Damages and interest on inland bills.

SEC. 3. Whenever any inland bill of exchange shall be drawn or endorsed within this state for the payment of any sum of money

without the same, and such bill shall be protested for non-acceptance or non-payment, the drawer or endorser shall be subject to the payment of five per cent. damages thereon, and charges of protest, and the bill shall carry an interest of six per cent. per annum from the date of the protest.

SEC. 4. All bills of exchange drawn at sight, which shall be due and payable in this state, shall be deemed to be due and payable on the day of presentation, without grace.

No grace on bills at sight.

SEC. 5. Whenever any persons or bodies corporate, by themselves, or by any person by them lawfully authorized for the purpose, shall make or sign any promissory note, whereby such persons or body corporate shall promise to pay to any other person or body corporate any sum of money, or specific article mentioned in such note, the same shall be taken and construed to be, by virtue thereof, due and payable to such person or body corporate; and such person or body corporate may maintain an action for the same, against the person or body corporate who shall have made the same.

Action by or against corporations on promissory notes.

SEC. 6. A note made as aforesaid, containing a promise for the payment of money only, made payable to order or bearer, shall be assignable or endorsable over in the same manner as bills of exchange are or may be, according to the custom of merchants; and the assignee or endorsee of such negotiable note may maintain an action against the maker of such note, or any prior endorser, for the recovery of the money due thereon.

Promissory notes payable to order or bearer, assignable; actions on.

SEC. 7. The fourth day of July, Christmas day, and the twenty-second day of February, — or, when either of the said days falls on the first day of the week, the day following it, — and such other days as the governor or the general assembly of this state, or the President or Congress of the United States may appoint, as days of thanksgiving, or days of solemn fast, shall be holidays.

Holidays.

SEC. 8. It shall be lawful to require payment of all notes, checks, and bills of exchange due and payable on such holidays, to be made on the secular day next previous thereto; and, in default of such payment, the same may be protested, and such protest shall be as valid as if made on the day on which such check, note, or bill became due by its own terms.

When bills and notes due on such days to be paid or protested.

CHAPTER 130.

OF WEIGHTS AND MEASURES.

SECTION

1. Standard weights, measures, and balances established.
2. Governor to appoint state sealer of weights and measures; state sealer to be sworn; term of office.
3. Standards, where and by whom to be kept; duties of state sealer.
4. State sealer, when to furnish set of weights and balances to towns; expense of, how paid.

SECTION

5. Town sealer to provide place for their safe keeping, take care of same, &c.
6. Penalty upon, for neglect of duties.
7. Town sealer to have standards tried, adjusted, and sealed by state sealer, once in three years. Fees of state sealer therefor, and how paid.
8. To notify persons using weights

SECTION

- and measures to bring them in to be adjusted and sealed, and to adjust and seal same.
- 9. To visit hay scales, &c., and places of business of persons not bringing in weights, &c., and adjust and seal same.
- 10. Penalty upon, for neglect of duty or falsely sealing.
- 11. Fees of town sealer.
- 12. Weights, measures, and balances not duly sealed prohibited and forfeited; sealers to seize and destroy, or correct such.
- 13. Penalty for using weights, measures, or balances not sealed.

SECTION

- 14. Penalty for knowingly selling falsely by weight.
- 15. Hay scales and platform balances to be tried and sealed, when and by whom.
- 16. Penalty for using hay scales or platform balances not sealed.
- 17. Who to try and seal scales when office of sealer is vacant.
- 18. Weighers of coal and other merchandise, how and by whom may be appointed, and fees of.
- 19. Penalty for selling coal or other merchandise without its being weighed, &c., if demanded by purchaser.

Standard weights, measures, and balances established.

SECTION 1. The weights, measures, and balances received from the United States, and now in the custody of the state sealer, and such new weights, measures, and balances as shall be received from the United States as standard weights, measures, and balances, in addition to, or in renewal thereof, shall be the authorized standards by which all town standards of weights and measures shall be tried, proved, and sealed.

State sealer, how appointed, term of office, &c.

SEC. 2. The governor shall appoint some suitable person to be state sealer of weights, measures, and balances; who shall be sworn to the faithful performance of his duty, and shall continue in office during the pleasure of the governor.

Duties of.

SEC. 3. The state sealer shall have the exclusive custody and control of the standards so received by the state; which standards shall be kept in a suitable fire-proof place, to be provided by the state. He shall try, prove, and seal, all town standards of weights, measures, and balances brought to him for that purpose.

Standard set for towns, when and how furnished.

SEC. 4. The state sealer shall furnish a set of standard weights and balances, at such cost as he shall deem proper, to each town which shall not, in his opinion, have a suitable set, to be paid for by the state, upon the order of the state auditor on the general treasurer.

Town sealer to take charge of same, &c.

SEC. 5. Every town sealer shall, at the expense of his town, provide therein places for the safe and suitable keeping and preservation of the weights, measures, and balances furnished by the state, which shall be used only as standards. He shall have the care and oversight thereof; shall see that they are kept in good order and repair; and if any portion of them are lost, destroyed, or damaged, shall, at the expense of the town, replace the same by similar weights, measures, or balances.

Penalty upon, for neglect.

SEC. 6. Every town sealer, who neglects to provide a suitable place for keeping such weights, measures, and balances, or suffers any of them, through his neglect, to be lost, damaged, or destroyed, shall forfeit the sum of one hundred dollars.

Town standards, when, and how to be adjusted, &c.

SEC. 7. Every town sealer shall, once at least in every three years, have the standard weights, measures, and balances in his custody tried, adjusted, and sealed, by the state sealer, who shall receive, as compensation therefor, the sum of fifteen dollars, which sum, together with the necessary expenses incurred by him in so performing such service, shall be paid by the town to which such set of standards belong.

SEC. 8. Every town sealer shall annually advertise or post up notifications in public places, in different parts of his town, for every person engaged in the trade of buying and selling, or as a public weigher, who uses weights and measures to bring in within a certain time, in such notification limited, being not less than one month from the date of such notification, his weights, measures, and balance and balances, to be adjusted and sealed; and he shall forthwith adjust and seal all weights and measures brought to him for that purpose.

Of sealing weights and measures used in trade, &c.

SEC. 9. Every town sealer shall go annually to every hay scale or platform balance in his town, which cannot be readily removed, and try, adjust, and seal the same. After the expiration of the time limited in the notification, which is required to be given in the previous section, he may visit the place of business of all persons who are supposed to have weights, measures, and balances, which ought to be sealed, and which have not been sealed within one year from the date of said notification, and may try, prove, and seal the same.

Hay scales, platform balances, &c., to be visited and sealed.

Weights, &c., not brought to town sealer, how sealed.

SEC. 10. For every neglect of duty prescribed in the next preceding section, the town sealer shall forfeit a sum not exceeding twenty dollars; and every town sealer who shall seal any weight, measure, or balance otherwise than according to the town standard, duly tried, proved, and sealed by the state sealer, shall be fined not exceeding fifty dollars, nor less than twenty-five dollars.

Penalty on town sealer for neglect or violation of duty.

SEC. 11. The sealer of weights and measures in any town, in which a different compensation shall not be made by an ordinance of such town, shall receive a fee of three cents for every weight, measure, scale, or balance by him sealed, except a platform balance; for sealing each platform balance, made for weighing five thousand pounds or upwards, the sealer shall receive one dollar; and for each balance made for weighing less than five thousand pounds, fifty cents. Each sealer shall also have a reasonable compensation for all repairs, alterations, and adjustments which it is necessary for him to make, made by him, and for the expenses incurred in visiting any place, as provided for in the ninth section of this chapter. Such fees and compensation shall be paid to said sealer by the person owning or using the weights, measures, or balances so adjusted and sealed.

Fees of town sealer.

SEC. 12. No person engaged in the trade of buying and selling shall have, or permit to be kept, at his place of business, any weight, measure, or balance of whatever description, which is not at the time duly sealed in accordance with this chapter, or which, having been sealed, is no longer correct, and every such weight, measure, or balance shall be forfeited to the state; and every sealer of weights and measures for any town shall seize such weight, measure, or balance wherever so found by him, and forthwith destroy it or render it incapable of being used thereafter: *Provided*, that if, in the opinion of such sealer, such weight, measure, or balance is capable of being made correct, and the person in whose place of business the same was found shall desire him to correct the same, and shall tender to such sealer the cost of so correcting the same, together with the sum of twenty-five cents, such sealer shall correct and seal the same, and restore it to the person from whom it was by him taken.

Weights, measures, and balances, not duly sealed, prohibited and forfeited.

Sealers to seize and destroy, or correct such.

SEC. 13. Every person engaged in the trade of buying and selling, or as a public weigher, who shall use, or permit to be used for him, any weight, measure, or balance, of whatever description, unless such weight, measure, or balance shall have been duly sealed, in conformity with the provisions of this chapter, shall forfeit the sum of twenty dollars; one half for the use of the town in which such

Penalty for using weights, measures, or balances not sealed.

Penalty for selling falsely by weight.

Hay scales, &c., when and by whom to be sealed, &c. Penalty for using hay scales and balances not sealed.

Who to seal scales if office of sealer vacant.

Weighers of coal, and other merchandise, how appointed, and fees of.

Penalty for selling coal, &c., not weighed, if demanded by purchaser.

offence shall have been committed, and the other half to the use of him who shall sue for the same.

SEC. 14. Every person who knowingly sells any commodity by weight for a greater quantity than is actually delivered to the purchaser thereof, shall be fined not exceeding one hundred dollars, or be imprisoned not exceeding three months.

SEC. 15. Every person who shall keep hay scales or platform balances for public use, shall cause the same to be tried and sealed at least once in six months, by a sworn sealer of weights and measures.

SEC. 16. Every person who shall keep hay scales or platform balances for public use, or who shall weigh or suffer to be weighed in such scales and balances any article of merchandise, unless such scales or balances shall have been tried and sealed, as provided for in the preceding section, shall forfeit one hundred dollars.

SEC. 17. Whenever the owner or keeper of any such hay scales or balances shall apply to the president of the town council (or to any person by him appointed for the purpose) of any town in which the office of sealer of weights and measures shall, from any cause, be vacant, to try such scales or balances, and to seal the same if found correct, such president or person so appointed shall try such scales or balances and seal the same if correct; and, in case of his neglect so to do, such owner or keeper shall be exempt from the forfeiture prescribed in the next preceding section.

SEC. 18. The town councils of the several towns, may appoint one or more persons, not engaged in the business of selling coal, to be weighers of coal and other articles of merchandise, who shall be sworn, and be removable at the pleasure of the town councils appointing them, and shall receive such fees as may be fixed by the town councils of the several towns, which shall be paid by the seller.

SEC. 19. If any person shall sell any coal, or other merchandise, without its being first weighed by a public weigher, when the same shall be demanded by the purchaser, and procuring a certificate of such weight for the purchaser, he shall be fined twenty dollars for each offence.

CHAPTER 131.

OF GAUGING.

SECTION

1. Rule for gauging.
2. Fees for gauging; casks, how branded.
3. Penalty for falsely exercising office of gauger.

SECTION

4. Penalty for selling by false gauge.
5. Gaugers in the city of Providence, how appointed.
6. Sale by gauge mark of United States inspector, not prohibited.

Rule for gauging.

SECTION 1. All casks which shall be gauged in this state shall be gauged by the method or rule commonly called gauging by Gunter, computing the gallon at 231 cubic inches. Care shall be taken to ascertain, as near as may be practicable, the true average of the head and bung diameter — also of the internal length of the cask; its mean diameter shall be ascertained in accordance with the principles laid down in the work on the subject of gauging, by Daniel Anthony, published in Providence, A. D. 1817.

SEC. 2. The fees for gauging a single cask shall be twenty-five cents; and for gauging any number of casks not exceeding ten, ten cents each; and for any number above ten, seven cents each; the gauger who shall gauge any cask shall fairly mark with branding irons or marking irons on the head or bulge of each cask, the initials of his name, and the quantity of the gauge or capacity of such cask.

Fees for;
casks, how
branded.

SEC. 3. Every person not holding the office of gauger, who shall put upon any cask any gauge or other permanent mark to denote the capacity of such cask, or who shall exercise the office of gauger or business of gauging, shall forfeit one hundred dollars for each offence.

Penalty for
falsely exercis-
ing office.

SEC. 4. Every person who shall sell any commodity by any gauge or gauge mark, which shall not have been made by a gauger appointed under this chapter, shall forfeit the value of such commodity sold.

Penalty for
selling by false
gauge.

SEC. 5. The city council of the city of Providence may, whenever they deem it expedient, appoint for said city a gauger, who shall have power to appoint under him such persons deputy gaugers, as said city council may approve; for the official conduct of such deputies he shall be answerable. Said gaugers shall be subject to such regulations as said city council may establish, not repugnant to law.

Gaugers in
Providence,
how appointed.

SEC. 6. Nothing in this chapter shall be construed to prevent the sale of any commodity under the lawful gauge or gauge mark of the United States, by the inspector of such commodity.

Sale by U. S.
gauge mark,
permitted.

TITLE XVIII.

OF FISHERIES.

CHAPTER 132. Of free and common oyster fisheries.

CHAPTER 133. Of private and several oyster fisheries.

CHAPTER 134. Of certain fisheries.

CHAPTER 135. Of the fishery in Pawcatuck River. ;

CHAPTER 136. Of the scollop fisheries.

CHAPTER 137. Of the inland fisheries.

CHAPTER 138. General provisions for the protection of fisheries.

CHAPTER 132.

OF FREE AND COMMON OYSTER FISHERIES.

SECTION

1. Penalty for taking oysters from the common fisheries, between fifteenth May and fifteenth September.
2. Penalty for taking more than ten

SECTION

- bushels of oysters during twenty-four hours.
3. Penalty for taking quahaugs or clams from certain beds at certain seasons.

SECTION

4. Penalty for using dredges, on board of boats or otherwise, in taking oysters.
5. Under-rake may be used in Point Judith ponds.
6. Penalty for breaking up or injuring oyster-beds.
7. Penalty for planting oysters taken south of a certain line.
8. Small oysters, shells, &c., to be culled out and restored.
9. No oysters to be taken from a public bed except between sunrise and sunset.
10. Non-residents not allowed to take oysters, &c.

SECTION

11. New beds or sets of oysters to be protected by buoys until suitable for use.
12. Commissioners to give notice of the mooring and removal of such buoys.
13. No oysters to be taken from such bed or set until the buoy is removed.
14. Penalty for violating any provision of sections eight, nine, ten, and thirteen.
15. Other penalties on persons convicted a second time.
16. Certain ponds declared free and common oyster fisheries.

Penalty for taking oysters between 15th May and 15th Sept.

SECTION 1. Every person who shall take any oysters from the free and common oyster fisheries in any of the waters of this state, or expose any oysters for sale taken therefrom, at any time between the fifteenth day of May and the fifteenth day of September in each year, shall forfeit twenty dollars for each offence.

Penalty for taking over ten bushels in twenty-four hours.

SEC. 2. Every person who shall take more than ten bushels of oysters, including shells, during each twenty-four hours, from any of the free and common oyster fisheries within the waters of this state, shall forfeit twenty dollars for every bushel so taken over and above said ten bushels.

Penalty for taking quahaugs or clams from certain beds at certain times.

SEC. 3. Every person who shall take any quahaugs or clams from long bed, west bed, or from great bed, so called, in Providence River, between the fifteenth day of May and the fifteenth day of September in each year, shall forfeit twenty dollars for each offence.

Penalty for using dredges, &c., for taking oysters.

SEC. 4. Every person who shall take any oysters from any free and common oyster fishery within the waters of this state with dredges, or with any other instrument, or by any other method more destructive to oyster-beds, than the usual method of taking them by oyster tongs, or shall, with such dredge or other instrument as aforesaid, rake over any oyster-bed, under any pretence or for any purpose whatever, or shall have such dredges or other instruments as aforesaid on board any boat or vessel employed in taking oysters within the waters of this state, shall forfeit the boat or vessel with its tackle, apparel, and furniture, and all implements thereto belonging, on board of which such dredge or other instrument aforesaid may have been used, or may be or may have been found; and, in addition thereto, every person on board such boat or vessel shall forfeit three hundred dollars.

Under-rake may be used in Point Judith ponds.

SEC. 5. Nothing in the next preceding section shall be construed to prevent any citizen of this state from taking oysters in Point Judith ponds, in South Kingstown, by a certain instrument long used in said ponds, known by the name of an under-rake, and described as follows: the handle of said rake being fifteen to twenty feet in length, the head from one to two feet in length, filled with iron teeth from six to ten inches in length, and mostly used through holes cut in the ice.

Penalty for breaking up or injuring oyster-beds.

SEC. 6. Every person who shall wilfully break up, damage, or injure any bed of oysters, or any tract of land leased from the state as

and for an oyster-bed, by depositing thereon earth, stones, or dredgings or scoopings from the river or docks, or in any other manner, shall be fined five hundred dollars for each offence; one half thereof to the use of the state, and the other half thereof to the use of the complainant.

SEC. 7. Every person who shall plant upon any private bed, any oysters taken from the free and common oyster fisheries south of the line drawn from the southerly end of Thomas J. Hill's wharf extending easterly to a monument set up by the commissioners of shell fisheries on the Seekonk shore, shall be fined twenty dollars for each bushel of oysters so planted, one half thereof to the use of the complainant, and the other half to the use of the state: *Provided, however,* that the planting upon private beds of young oysters found above low water mark, or found adhering to the shells of oysters fit for market or present use, shall not be deemed a violation of this section.

Penalty for planting oysters taken south of a certain line.

SEC. 8. Every person taking oysters from any bed in the free and common oyster fisheries shall, at the time of taking the same, cull out and restore to said bed all small oysters, shells, and other substances valuable to said bed, retaining only such oysters as are fit for market and present use, and the small oysters adhering to the same.

Small oysters, &c., to be culled out and restored.

SEC. 9. No person shall take oysters from a public oyster ground or bed, except between the hours of sunrise and sunset on any day.

When may be taken from public beds.

SEC. 10. No person not a citizen of this state shall be allowed to fish for oysters or other shell-fish within the waters of this state.

Non-residents not to take.

SEC. 11. Whenever any new bed or any new set of oysters shall be discovered within the public waters of this state, and brought to the knowledge of the commissioners of shell fisheries, they shall forthwith proceed to examine said new bed or new set, and if, after examination, they shall deem such oysters unsuitable for present use and market, they shall cause a suitable buoy to be moored and continued on said bed or set, until such oysters shall become suitable for present use and market, when they shall cause said buoy to be removed.

New beds or sets to be protected by buoys, until suitable for use.

SEC. 12. Said commissioners shall also cause public notice to be given, in some newspaper published in the city of Providence, of the mooring of said buoy and the removal thereof, together with the purpose for which it is moored and removed, for one week next succeeding said mooring, and for one week next preceding said removal.

Commissioners to give notice of such buoys.

SEC. 13. During the continuance of said buoy upon said bed or set, no person shall fish for or take any oysters or other shell-fish from said bed or set; and no person shall remove said buoy except by order of said commissioners, or shall injure or deface the same.

Oysters not to be taken until removal of buoys.

SEC. 14. Every person violating any of the provisions of the eighth, ninth, tenth, and thirteenth sections of this chapter, shall be fined twenty dollars for each offence, one half thereof to the use of the complainant, and the other half thereof to the use of the state; and every boat or vessel used, or in any way employed in taking oysters, or other shell-fish, contrary to the provisions of either of said sections (except the eighth), shall, together with its tackle, apparel, furniture, and implements on board, be forfeited.

Penalty for violating certain provisions of this chapter.

SEC. 15. Every person convicted a second time of a violation of any of the provisions of this chapter shall, in addition to the penalties before mentioned, be deprived of the privilege of fishing for oysters in the waters of this state for three years thereafter, under a penalty of thirty days' imprisonment for each offence.

Penalties, upon second conviction.

SEC. 16. Quicksand Pond in Little Compton, Point Judith ponds

Certain ponds declared free and common oyster fisheries.

in South Kingstown, and the several ponds in the town of Charlestown, shall be deemed and taken to be free and common oyster fisheries.

CHAPTER 133.

OF PRIVATE AND SEVERAL OYSTER FISHERIES.

SECTION

1. Commissioner of shell fisheries and assistants, how elected and term of office.
2. Commissioners may lease certain lands as private oyster grounds; terms and conditions of lease.
3. Commissioners may modify, &c., leases, or remit or abate rent for cause shown.
4. Not to let land within certain limits.
5. Notice of application for lease, how to be given.
6. Powers of commissioners, and proceedings upon such application.
7. Appeal to court of common pleas allowed.
8. Appeal, when to be claimed; reasons of appeal and copy of case, when to be entered; bond, when and how given.
9. Proceedings in appellate court.
10. Leases, how to be executed, and what covenants and restrictions to contain.
11. Land leased to be platted, enclosed with stakes or buoys, and bounds to be set up on the shore.
12. Expenses of application for such lease to be paid by applicant.
13. Penalty for injuring any stake,

SECTION

- buoy, or bound enclosing a private fishery.
14. Oysters growing in a private oyster-bed, the property of the lessee.
15. Duties of commissioners respecting such leases.
16. Legal proceedings to collect rents.
17. Commissioners may take possession of, and sell, lots on which rent has not been paid.
18. Penalty for taking oysters from private beds, except between sunrise and sunset.
19. Penalty for taking and carrying away oysters from private oyster ground.
20. Penalty for injuring, &c., oyster-beds, by depositing earth, &c., thereon.
21. Other penalties in case of a second conviction.
22. Penalty for taking more than two bushels of oysters from Trustan Pond in one day.
23. Commissioners special constables, and authorized to arrest violators of provisions of this chapter, and seize boats, &c.
24. Clams and quahaugs may be dug on the shores, by citizens of the state.

Commissioners of shell fisheries; election and term of office of.

Commissioners may lease certain lands or private oyster grounds; terms and conditions of lease.

SECTION 1. A commissioner and two assistant commissioners of shell fisheries shall be elected by the general assembly, in grand committee, at a session thereof adjourned from the annual May session, who shall hold their offices respectively for the term of five years.

SEC. 2. The commissioners of shell fisheries may lease, in the name of the state, by public auction or otherwise, under their hands and seals, to any suitable person being an inhabitant of this state, any piece of land within the state, covered by tide water at low tide, and not within any harbor line, to be used as a private and several oyster fishery, for the planting and cultivation of oysters thereon, upon such terms and conditions as they may deem proper, but not for a longer term than ten years or for a shorter term than five years, nor for a rent of less than ten dollars per annum for every acre leased, and

not leasing more than one acre in one lot or parcel to one person or firm; and neither of such commissioners shall at any time be interested in any lease of ground for planting oysters, or in the cultivation or product thereof.

SEC. 3. The commissioners of shell fisheries may, at the request of the lessee, for cause shown, cancel or modify any lease, or they may remit or abate the rent reserved therein, if it shall be made to appear, to the satisfaction of the commissioners, that it would be equitable so to do.

May modify, &c., leases.

SEC. 4. The oyster commissioners shall not let any land north of a line extending across Providence River from the south side of Hill's wharf to a freestone monument at Lyon's Point in East Providence, or let any of the ponds in Little Compton, South Kingstown, Tiverton, Charlestown, or New Shoreham, or let Long bed, Rock Island bed, Muscle Island bed, or Long Neck flats in Providence River.

Not to let land within certain limits.

SEC. 5. Whenever any suitable person, being an inhabitant of and domiciled within this state, shall make application to the commissioners for the lease of any piece of such land, as a private or several oyster ground, for the planting of oysters, such commissioners shall, before granting or entering upon the consideration of such application, cause public notice to be given of the time and place for the hearing and consideration of the same; which notice shall contain a description of the land so applied for, and shall be published at the expense of the applicant, for at least two weeks previous to said hearing, in some public newspaper printed in the city of Providence; and, at such hearing, any person may appear and show cause why such application should not be granted.

Notice of application for lease, how to be given.

SEC. 6. Said commissioners may adjourn such hearing from time to time, and shall have power to issue process to compel the attendance of witnesses for either party, and shall give notice to all parties who have appeared before them upon any application, of the time and place when their decision will be given, and such decision shall be final, unless an appeal is claimed and prosecuted as hereinafter provided.

Powers of commissioners, &c., upon such application.

SEC. 7. Any person aggrieved at the decision of the commissioners upon any application for a private or several oyster ground or oyster fishery, may appeal from such decision to the next term of the court of common pleas to be holden within and for the county nearest to which said land so applied for lies.

Appeal to court of common pleas allowed.

SEC. 8. Such appeal shall be claimed within twenty-four hours of the time such decision shall have been made, and within five days thereafter be entered in the clerk's office of the court appealed to, together with the reasons thereof, and a copy of the proceedings before the commissioners. The appellant shall at the same time file his bond, with sufficient surety, in the sum of fifty dollars, payable to the clerk of the court appealed to, for the use of the state, with condition to prosecute such appeal to final judgment, and to pay such witnesses' fees and the costs of summons incurred by any party opposing such appeal, as the court shall award, in case the decision of the commissioners shall not be reversed.

Appeal, when to be claimed; proceedings thereon.

SEC. 9. Such case shall be heard and tried in the same manner as other cases entered upon the docket of said court; and the judgment of the court shall be conclusive upon the question whether said land shall or shall not be leased, and the commissioners shall grant or refuse a lease accordingly.

Proceedings in appellate court.

Leases, how to be executed, and what covenants, &c., to contain.

SEC. 10. Such leases shall be executed by such lessee as well as by said commissioners, in two parts; one part thereof to be delivered to such lessee, and the other part thereof to be retained by said commissioners; and shall contain proper covenants for the payment of rent, and the performance of the conditions and observance of the restrictions therein set forth, with proper clauses reserving to said commissioners a right to reënter on behalf of the state, and to terminate said lease, for breach of any of said covenants.

Land leased, to be platted, enclosed, &c.

SEC. 11. Said commissioners shall, before granting any such lease, cause the land, to be leased as aforesaid, to be surveyed and platted, and shall, in all cases, cause proper bounds with marks thereon to be set up on the shore, opposite and nearest to such land to be leased as aforesaid, in order to define the limits thereof, and whenever and so far as the same can be done without interfering with navigation, shall cause such land, to be leased as aforesaid, to be enclosed with stakes or buoys not more than two rods apart, with such marks thereon as they may direct. Such bounds, stakes, or buoys, with the marks thereon, shall be renewed whenever the commissioners shall direct, and the said commissioners shall cause the said plats to be bound in a book.

Expenses to be paid by applicant.

SEC. 12. The drawing and executing of such leases, the surveying and platting, the setting up and marking of bounds on shore, and the enclosing of the lands leased with stakes or buoys, and the marking of the same as aforesaid, shall, in all cases, be done under the direction of the commissioners, at the expense of the applicant or applicants for such lease; and the commissioners shall receive from such applicant or applicants their necessary expenses, and one dollar and a half per day for each day's actual service about his or their application.

Fees of commissioners.

SEC. 13. Every person who shall injure, deface, or destroy such marks or bounds, or shall break, pull up, injure, carry off, cut, or destroy any such stake or buoy, or deface any mark thereon, or shall tie or fasten any boat or vessel to any such stake or buoy, shall be fined twenty dollars for each offence, one half thereof to the use of the state, and the other half thereof to the use of the complainant. Every such person shall, in addition thereto, be liable in an action of the case, to pay double damages and costs to the person who shall be injured, by having the marks and bounds, stakes or buoys of their said lots injured, defaced, removed, or used as aforesaid.

Penalty for injuring bounds, &c., enclosing a private fishery.

SEC. 14. The oysters planted or growing in any private oyster ground leased as aforesaid shall, during the continuance of the lease, be the private personal property of the lessee of such oyster ground; and the taking and carrying away thereof, or of any of the same, shall be larceny, under all circumstances in which the taking and carrying away of any other personal property would be larceny, and shall be punished accordingly; and, in addition to the penalty prescribed by law for larceny, the person convicted shall forfeit his boat, and her tackle and apparel, and all the implements used in the commission of said offence; but nothing in this section contained shall interfere with or invalidate the right of any lessee to commence any private action for the taking and carrying away of his oysters aforesaid, and to recover full damages for the private injury by him thereby sustained.

Oysters growing in a private oyster-bed, the property of the lessee.

Duties of commissioners, respecting leases.

SEC. 15. Said commissioners shall, from time to time, diligently inspect and ascertain whether or not the terms and restrictions of the leases, in regard to the importing and planting of oysters, are kept and performed in a just and proper manner, and whether or not the

rents are punctually paid ; and, in case said terms and restrictions are not kept and performed, or said rents are not punctually paid, the commissioners shall forthwith enter upon the land so leased, and terminate the lease.

SEC. 16. The commissioners are authorized, in the name of the state, to institute at any time after such rent shall fall due, any legal proceedings that may be necessary for the collection of such rent.

Proceedings to collect rents.

SEC. 17. The commissioners may take possession of any lot leased upon which the rent or assessment shall not have been paid, and may dispose of such lot with all of the oysters thereon, by public auction to the highest bidder, upon giving one week's notice of such sale in some newspaper printed in Providence.

Commissioners may sell, &c., lot on which rent has not been paid.

SEC. 18. Every person who shall take oysters from any several and private oyster ground or bed, except between the hours of sunrise and sunset on any day, shall be fined twenty dollars for each offence, one half thereof to the use of the state and the other half thereof to the use of the complainant ; and every boat or vessel used or in any way employed in so doing, shall, together with its tackle, apparel, furniture, and implements on board, be forfeited.

Penalty for taking oysters from private bed, except between sunrise and sunset.

SEC. 19. Every person who shall unlawfully take and carry away any oysters from any private oyster-bed, shall be fined not exceeding one hundred dollars, nor less than twenty dollars.

Penalty for taking from private bed.

SEC. 20. Every person who shall wilfully break up, damage, or injure any bed of oysters, or any tract of land leased from the state, as and for an oyster-bed, by depositing thereon earth, stones, or dredgings, or scoopings from the river or docks, or in any other manner, shall be fined five hundred dollars, one half to the use of the state, and the other half to the use of the complainant ; and shall forfeit his boat or vessel, with her tackle, apparel, and furniture, and all of the implements by him used in injuring such oyster-bed.

Penalty for injuring, &c., oyster-beds, by depositing earth, &c.

SEC. 21. Every person convicted a second time of a violation of any of the provisions of this chapter shall, in addition to the penalties hereinbefore mentioned, be deprived of the privilege of fishing for oysters in the waters of this state, for the space of three years thereafter, under penalty of thirty days' imprisonment for each offence.

Further penalties upon second conviction.

SEC. 22. Every person who shall take more than two bushels of oysters during any one day from Trustan Pond, in South Kingstown, shall forfeit not less than five dollars, nor more than twenty dollars, for every bushel so taken above two bushels.

Trustan Pond, what oysters may be taken from.

SEC. 23. Each of said commissioners is hereby declared to be, by virtue of his office, a special constable, and, as such commissioner, may arrest any person he may find in the act of violating any of the provisions of this chapter, and may seize any boat or vessel, with her tackle, apparel, and furniture, and all implements belonging thereto, when employed in taking oysters, or in injuring any oyster-bed, in violation of the provisions of this chapter, and, without giving surety for costs to the state, may make complaints for all such violations.

Commissioners special constables.

May seize boats, &c., when.

SEC. 24. Nothing in this chapter contained shall be construed to prevent any citizen of this state from digging clams or quahaugs on the shores of the public waters of this state.

Clams, &c., who may dig.

CHAPTER 134.

OF CERTAIN FISHERIES.

SECTION

1. Fishery in the river in Barrington, and penalty.
2. In Easton's Pond, and penalty.
3. In Kickamuit River, and penalty.
4. In Puncatest, alias Nomquit Pond, and penalty.
5. Same subject.
6. In Palmer's River, above Kelly's Bridge, and penalty.
7. Same subject.
8. Penalty for unlawfully setting lobster pots or nets.
9. Penalty for raising lobster pots or nets without permission.
10. Electors of New Shoreham may regulate taking of fish in Great Salt Pond.
11. Electors of Tiverton may regulate fisheries of Nomquit Pond.
12. Fishery in Petaquamscut River, and penalty.
13. Smelts; nets, &c., used for catching allowed, when, &c.
14. Penalty for violation of two preceding sections.
15. Fishery in waters west of line from Quanset Point to Rooms' Point, and penalty.
16. In waters west of line from Calfpasture Point to Rocky Point, and of line from Pojack Point to Marsh Point, and penalty.

Fishery in river in Barrington, and penalty:

In Easton's Pond.

In Kickamuit River.

In Puncatest, alias Nomquit Pond.

Same subject.

SECTION

17. In Point Judith Ponds' breach.
18. In Point Judith Ponds.
19. Same subject.
20. Weirs or nets in, when prohibited.
21. Seines and nets, of what length may be used in said ponds.
22. Standing seines or nets, when permitted in.
23. Penalty for violating any provision of preceding six sections.
24. Penalty on non-residents for carrying from the state lobsters, tautog, and other fish.
25. Penalty for taking fish in streams or fresh ponds, except by hook and line, or from private ponds, &c., without owner's consent.
26. Penalty for unlawfully taking pickarel or trout.
27. Actions for violating any provision of preceding two sections limited.
28. Penalty for obstructing, &c., channel into Ward's Pond, &c.
29. Fishery in Mill Cove, Warwick, and penalty.
30. Same subject.
31. Same subject.
32. Penalties, how to enure.

SECTION 1. Every person who shall set or draw any seine in any part of the river running from Warren River through the town of Barrington to the dividing line between the town of Barrington and the town of Rehoboth, shall forfeit twenty dollars.

SEC. 2. Every person who shall set or draw any seine or net in Easton's Pond, in Newport and Middletown, for the purpose of catching fish, or shall set any such net or seine in the creeks or inlets of said pond above the bridge at Easton's Beach, shall be fined twenty dollars, or be imprisoned ten days.

SEC. 3. If any person shall set or draw any seine or net in Kickamuit River, within half a mile from the place called the Narrows, he shall forfeit fifteen dollars.

SEC. 4. If any person shall erect or make any weir, pot, or other contrivance, to obstruct the course of fish across Puncatest, alias Nomquit Pond, or any part thereof, or in any river or stream leading into or out of said pond, at any time, he shall forfeit ten dollars.

SEC. 5. If any person shall set any hanging or mesh net in Puncatest, alias Nomquit Pond, or in any river leading into or out of said

pond, from the first day of January to the first day of August in every year, he shall forfeit ten dollars.

SEC. 6. If any person shall erect or continue in Palmer's River, above Kelly's Bridge, any weir, dam, or other obstruction to prevent the free passage of fish up said river, he shall forfeit fifteen dollars for the first offence, and ten dollars for every twenty-four hours any such weir or dam or other obstruction shall be continued after the first twenty-four hours.

In Palmer's River, above Kelly's Bridge.

SEC. 7. If any person, not at the time an inhabitant of this state, shall set or draw any seine or net in Palmer's River, above Kelly's Bridge, on Thursday, Friday, or Saturday of each week; or if any person shall set or draw any seine or net in said river, above said bridge, on Sunday, or between the setting and rising of the sun on any day, he shall forfeit for each offence fifteen dollars.

Same subject.

SEC. 8. If any person, not at the time an inhabitant of this state, shall set or keep, or cause to be kept or set, within any of the waters, or upon or within three miles of any shore of this state, more than two pots or nets for the catching of lobsters, at any one time, he shall forfeit twenty dollars for each offence.

Penalty for unlawfully setting lobster pots, &c.

SEC. 9. If any person shall lift or raise any pot or net set for the catching of lobsters, without the permission of the owner thereof, he shall forfeit ten dollars.

Penalty for raising such pots, &c.

SEC. 10. The electors of the town of New Shoreham may, in town meeting called for that purpose, enact such ordinances as they may think proper, to protect and to regulate the taking of shell and other fish in Great Salt Pond, and may impose penalties therefor, not exceeding twenty dollars fine and three months imprisonment for any one offence.

Electors of New Shoreham may regulate fishing in Great Salt Pond.

SEC. 11. The electors of the town of Tiverton may, in town meeting called for that purpose, make such regulations for the preservation of the fish, and may exercise such control over the fisheries of Nomquit Pond, within the limits of said town, as they may think proper.

Electors of Tiverton may regulate fishery in Nomquit Pond.

SEC. 12. No person shall, between the first Monday in October and the first Monday in January, erect any weir or draw any seine or net for the purpose of catching or obstructing the passage of fish, at or within one hundred and sixty rods of the mouth of Petaquamscut River in South Kingstown, nor shall any person erect or put down any weir, standing seine or trap seine, or hoop net of any kind, either within or across said river, at any other season of the year.

Fishery in Petaquamscut River, and penalty.

SEC. 13. Nothing in the next preceding section shall be construed to prohibit any person from using nets or fishing crafts for the catching of smelts, such as are commonly used in the smelt fishery, between the first day of February and the first day of April, in every year; or, to prohibit the setting of gill nets for bass in said river or pond: *Provided*, that such nets shall not exceed twenty fathoms in length, nor be set within twenty fathoms of each other, nor south of the dividing line between lands of William G. Watson and George W. Crandall, nor within twenty rods of the narrows that connect the upper and lower ponds; nor shall any person maintain any such standing seine or net, in the same place, for more than twenty-four hours, if any other person demands the same place for the purpose of setting a like net, or drawing a seine therein.

Smelts, nets, &c., used for catching, allowed, when, &c.

SEC. 14. Every person who shall violate any of the provisions of the next preceding two sections shall be fined not less than twenty dollars, or more than fifty dollars, for each offence, and shall forfeit

Penalty for violation of two preceding sections.

the net, seine, boat, and other apparatus by him used in such violation.

Fishery west of line from Quanset Point to Room's Point, and penalty:

SEC. 15. Every person who shall set any trap, net, or draw any seine at any time, west of a straight line drawn from Quanset Point, on the north side of Wickford harbor, to Room's Point, on the south side of said harbor, shall be fined not less than five dollars nor more than twenty dollars, one half thereof to the use of the complainant, and the other half to the use of the state. Nothing in this section contained shall be construed to prevent surface, bag or purse seine fishing, for catching menhaden.

In waters west of line from Calf-pasture Point to Rocky Point, &c.

SEC. 16. Every person who shall set any trap, net, or draw any seine at any time, west of a line drawn from Calf-pasture Point, on the north side of Allen's harbor, to Rocky Point, on the south side thereof, or west of a line drawn from Pojack Point, on the south side of Potowomut River, to Marsh Point, on the north side thereof, shall be fined not less than five dollars, nor more than twenty dollars, one half to the use of the complainant, and the other half to the use of the state.

In Point Judith ponds' breach.

SEC. 17. No person shall, from the fifteenth day of April to the fifteenth day of June, inclusive of both days, in every year, or from the fifteenth day of August to the fifteenth day of December, inclusive of both days, in every year, commencing at the rising of the sun on both days, erect any weir, or set or draw any seine or net for obstructing, catching, or hauling of fish, within half a mile east from Point Judith ponds' breach, meaning the breach for the time being into the sea; or within a point on the west side of said breach, four rods distant from Joseph Champlin's fish-house (so called), or within said breach, or within any channel leading to said ponds, or any branch thereof from the sea, or within a quarter of a mile of the entrance of such channel into said ponds or branches of said ponds; and when the fifteenth day of December happens on Sunday, this prohibition shall continue to the rising of the sun on the next succeeding day.

In Point Judith ponds.

SEC. 18. No weir shall be erected, nor any standing seine or net set, across the channel, nor in Point Judith ponds, within a quarter of a mile from the following places, viz.: Alder Point, near where Saukatucket River flows into the said ponds; Prince's Narrows, which connect the upper with the lower ponds; Strawberry Hill on Great Island; High Point, so called, on land of the heirs of Joseph Sherman, and Gooseberry Hole.

Same subject.

SEC. 19. No person shall, between the first Monday in April and the second Monday in June in every year, commencing at the rising of the sun and ending at the setting thereof, erect any weir or net or draw any seine or net for the purpose of catching or obstructing the passage of fish, in any part of Point Judith Pond, south of a line drawn from the most northerly point of Strawberry Hill on Great Island to the most northerly point of "High" point in said pond,

Weirs or nets in, when prohibited.

SEC. 20. No person shall erect any weir or set or draw any seine or net for the obstructing, catching, or hauling of fish, within any part of said ponds or any branch thereof, at any time from the fifteenth day of August to the fifteenth day of December in every year, commencing and ending at the rising of the sun on both of said days.

What seines or nets may be used.

SEC. 21. No seine or net of any sort shall be used at any time within said ponds, or any branch thereof, of over one hundred fathoms long, nor any standing seine or net of over twenty-five fathoms in length.

SEC. 22. No person shall set any standing seine or net, at any

time, within forty rods of any place within said ponds or any branch thereof where another person may have already set his standing seine or net, nor shall any person maintain any such standing seine or net in the same place for more than forty-eight hours, if any other person desires to occupy the place.

Standing seines or nets, when permitted in.

SEC. 23. Every person violating any provision of the six sections next preceding, shall be fined not less than twenty dollars, nor more than fifty dollars, and shall also forfeit the boat, seine, net, and other apparatus by him used in such violation, one half of said fine and forfeiture to and for the use of the person so complaining, and the other half to and for the use of the state.

Penalty for violating provisions of six preceding sections.

SEC. 24. Every person living without the state, who shall take any lobsters, tautaug, bass, or other fish, within the harbors, rivers, or waters of this state, for the purpose of carrying them from thence in vessels or smacks, shall be fined ten dollars for every offence, and shall forfeit all the fish or lobsters so taken.

Penalty on non-residents carrying away lobsters, &c.

SEC. 25. Every person who shall take any fish in any stream or fresh pond, except upon his own land, in any other way than by hook and line, or who shall take or carry away any fish from any private pond, brook, stream, preserve, or any other place made, constructed, or used for the purpose of breeding or growing fish therein, without the consent of the proprietor or lessee of such pond, brook, stream, or preserve, shall be punished by a fine not exceeding twenty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment; but nothing herein contained shall be construed to authorize the taking of any fish from any pond or stream stocked with fish at the expense of the state.

Penalty for taking fish in streams, &c., except by hook and line, or from private ponds, &c., without owner's consent.

SEC. 26. Every person who shall take any pickerel between the first day of April and the first day of June in each year, or any trout between the first day of September and the first day of March in each year, shall forfeit twenty dollars.

Penalty for unlawfully taking pickerel or trout.

SEC. 27. All actions for violations of the provisions of the preceding two sections shall be commenced within thirty days after the commission of the offence, and not afterwards.

Limitation of actions under two preceding sections.

SEC. 28. If any person shall by any seine or stop-net, or otherwise obstruct the channel leading from the sea into Ward's Pond, and up through said pond on each side of Watermelon, Gooseberry, or Larkin's islands, he shall forfeit not less than five, nor more than twenty dollars.

Penalty for obstructing channel, &c., into Ward's Pond, &c.

SEC. 29. Every person who shall erect any dam, weir, or other obstruction across Mill Cove in Warwick, or from the mouth of said cove to the pond of fresh water which runs into said cove, or who shall keep up any dam or weir or other obstruction already therein made, and any owner or occupant of land adjoining said Mill Cove or the stream leading from said pond into said cove, who shall permit any such obstruction to be erected or continued in or upon said cove or stream, whether done, erected, or continued by himself, or other persons adjacent to his land, at any time between the first day of March and the first day of November in every year, without leaving open through such dam or weir a sufficient way, at least four feet in width, for the fish to pass, shall forfeit fifty dollars for each offence.

Fishery in Mill Cove, Warwick, and penalty.

SEC. 30. Every person who shall fish in said cove, except with a hook and line, on Saturday or Sunday, or who shall catch or hinder any alewives coming down said Mill Cove or said stream, or shall therein at any time set any weir or device to prevent the passage of the fish, shall forfeit ten dollars for each offence.

Same subject.

Same subject. SEC. 31. Every person who shall set or draw any seine or net in said Mill Cove, or off from the mouth thereof to Long Meadow Rocks, or from the mouth thereof to the pond of fresh water which empties into said cove, between the first day of March and the fifteenth day of June, shall, for each offence, forfeit fifty dollars, and the boats, seines, and apparatus, by him used in the commission thereof.

Penalties, how to enure. SEC. 32. All forfeitures under this chapter shall, where there is no other provision made to the contrary, enure, one half thereof to the use of the town where the offence shall be committed, and the other half to the use of the person suing for the same.

CHAPTER 135.

OF THE FISHERY IN PAWCATUCK RIVER.

SECTION

1. No weir, &c., to be erected in Pawcatuck River.
2. Weirs, &c., not to be erected on the flats.
3. Times of fishing.
4. Penalties incurred, how to enure.

SECTION

5. Preceding provisions a compact with Connecticut.
6. Penalty on owner of land adjoining said river for permitting weir, &c., to be erected on the flats.

No weir, &c., to be erected in Pawcatuck River.

SECTION 1. No weir or pound or other obstructions shall be erected or continued in the channel of Pawcatuck River, dividing the states of Rhode Island and Connecticut, so as to interfere with the main channel of said river, upon penalty of twenty dollars for the first offence, and seven dollars for every twenty hours, or any less space of time, any such weir or other obstruction shall be continued in the main channel of said river after the first offence.

Weirs, &c., not to be erected on the flats.

SEC. 2. No weir or pound shall be erected or continued upon any flat or other part of the bottom of said river, eastward or westward of the aforesaid channel of said river, between the first day of June and the twentieth day of March, annually, upon penalty of fourteen dollars for the first offence, and seven dollars for every succeeding day such weir or pound shall be continued in said river, from the first day of June to the twentieth day of March, annually.

Times of fishing.

SEC. 3. No person shall fish with mesh or scoop nets in Pawcatuck River, or any of its branches, after sunset on Friday until sunrise on Monday in each week, from the twentieth day of March to the first day of June, annually; and no person shall use more than one net at a time, upon penalty of five dollars for every offence.

Penalties, how to enure.

SEC. 4. All penalties incurred for violation of any of the provisions of this chapter, shall enure, one half thereof to the complainant, and the other half to the town where the offence is committed.

Preceding provisions a compact with Connecticut.

SEC. 5. The foregoing provisions of this chapter shall be considered as forming a compact with the state of Connecticut, from which this general assembly will not depart until the legislature of the state of Connecticut shall agree with the legislature of this state to a repeal thereof, alterations therein, or additions thereto.

Penalty on owner of ad-

SEC. 6. If any owner of land adjoining Pawcatuck River in this state shall permit any weir, pound, or other obstruction to be erected

or continued upon any flat or bottom of said river, whether done, erected, or continued by himself, servant, lessee, or any other person, by his privity or consent, such owner shall be liable for any such breach or violation of the second section of this chapter, in the same manner as though the same had been committed by such owner in person.

joining land for permitting weir, &c.

CHAPTER 136.

OF THE SCOLLOP FISHERIES.

SECTION

1. Penalty for taking scollops, or selling or exporting the same, between fifteenth May and fifteenth September.
2. Penalty for not culling out and restoring to waters, scollops of

SECTION

- set of July and August of year preceding.
3. Penalty for taking scollops, except between sunrise and sunset.
4. Fines, how recovered, and how to enure.

SECTION 1. Every person who shall take any scollops from any of the waters of this state, by dredging, or by nets of any kind, or expose any scollops taken therefrom for sale within this state, or shall export the same from this state, at any time between the fifteenth day of May and the fifteenth day of September in each year, shall be fined twenty dollars for each offence.

Penalty for taking, &c., scollops between 15th May and 15th September.

SEC. 2. Every person who shall neglect, at the time of taking any scollops from any of the waters of this state, to cull out and restore to said waters the scollops of the set of July and August of the year next preceding such taking, shall be fined twenty dollars for each offence.

Penalty for not culling out, &c., last year's set, &c.

SEC. 3. Every person who shall take from any of the waters of this state any scollops, except between the hours of sunrise and sunset on any day, shall be fined twenty dollars for each offence.

When scollops may be taken.

SEC. 4. Fines incurred by a violation of any of the provisions of this chapter shall be recovered by complaint and warrant, and shall enure, one half thereof to the use of the state, and the other half to the use of the complainant.

Fines, how recovered, and how to enure.

CHAPTER 137.

OF THE INLAND FISHERIES.

SECTION

1. Commissioners of inland fisheries, how appointed, and term of office.
2. Duties of commissioners.
3. Of publication, &c., of their regulations.

SECTION

4. Penalty for violating regulations made by the commissioners, or taking fish, &c., from ponds, &c., stocked for cultivation of fish.
5. Penalty for catching fish within

SECTION

half a mile of the outlet of a fishery set apart as aforesaid.

6. Commissioners may remove obstructions to migration or culture of fish.

7. Fish not to be taken from stocked fisheries for three years after establishment thereof.

SECTION

8. Disposition of penalties recovered for violations of this chapter.

9. Commissioners may take fish from fisheries for certain purposes.

10. May pass over private property in discharge of their duties.

11. Shall be allowed their actual disbursements.

Commissioners of, how appointed, and term of office. Duties of commissioners.

SECTION 1. The governor shall appoint three commissioners, to be known as the commissioners of inland fisheries, who shall hold their offices for three years, and until their successors are appointed.

SEC. 2. The commissioners of inland fisheries shall introduce, protect, and cultivate fish in the inland waters of the state, and may make all needful regulations for the protection of such fish, and shall prosecute for the violation of such regulations. They may cooperate with the fish commissioners of other states, and they shall make an annual report to the general assembly of their doings, with such facts and suggestions, in relation to the object for which they were appointed, as they may deem proper.

Of publication, &c., of their regulations.

SEC. 3. The said commissioners shall cause a copy of their regulations to be filed in the office of the town clerk of any town, in which any waters stocked with fish under the authority of the preceding section of this chapter may be, and to which such regulations may apply, and shall also cause a copy of such regulations to be advertised in some newspaper published in the same county.

Penalty for violating their regulations, taking fish from stocked ponds, &c.

SEC. 4. Every person who shall violate any of the regulations made by the commissioners of inland fisheries under the authority of the provisions of the preceding sections of this chapter, or who shall take any fish, fish-spawn, or any apparatus used in hatching or protecting fish, from any pond, lake, river, or stream stocked with or set apart by said commissioners or by private parties, for the protection and cultivation of fish with the consent of the town council of the town where such cultivation is carried on, without the consent of such commissioners, or, if the cultivation of fish be carried on by a private party, without the consent of the person cultivating the same, shall, upon conviction, be fined not exceeding three hundred dollars, or be imprisoned not exceeding six months, or be both fined and imprisoned, in the discretion of the court before which the offender shall be tried.

Penalty for catching fish within a half mile of outlet of such fishery.

SEC. 5. Every person who catches any fish, or uses any seine for catching fish, within one half a mile from the mouth or outlet of any fishery set apart as is herein provided, and within any waters into which the waters of such fishery are let out, shall forfeit for the first offence the sum of fifty dollars, and for every subsequent offence shall forfeit one hundred dollars, and, in addition to the penalties herein provided, shall forfeit all the apparatus by him used in violating the provisions of this section.

Commissioners may remove obstructions, &c.

SEC. 6. Each of the commissioners of inland fisheries may personally or by deputy seize, and remove summarily if need be, all obstructions erected to hinder the passage of migrating fish, or which are illegally erected to obstruct, or in any way to impede, the growth and culture of fish.

Fishing in stocked fisheries prohibited

SEC. 7. The prohibition to the catching of fish by hook and line, from fisheries stocked as is hereinbefore provided, shall extend and

be continued for and during the term of three years from and after the time when such fishery was first established. for three years, &c.

SEC. 8. One half of the penalties recovered for violation of the provisions of this chapter shall accrue to the complainant, and the other half thereof to the state. Disposition of penalties.

SEC. 9. The commissioners of inland fisheries may take fish from the fisheries hereinbefore referred to, for any purpose connected with fish culture, or for scientific observation. Commissioners may take fish, when.

SEC. 10. Each of said commissioners may, in the discharge of his duties, enter upon and pass through or over private property, without rendering himself liable in an action of trespass. May enter, &c., private property, when.

SEC. 11. The commissioners of inland fisheries shall be allowed their actual disbursements, made in carrying into effect the provisions of this chapter. To be allowed their disbursements.

CHAPTER 138.

GENERAL PROVISIONS FOR THE PROTECTION OF FISHERIES.

SECTION

1. Penalty for destroying or driving away fish, by depositing in public waters certain deleterious substances.
2. Vessels, &c., used in procuring fish oil, or dressing of fish, in violation of this chapter, liable for

SECTION

- forfeiture and costs, and may be attached and held to satisfy judgment, &c.
3. Penalty for boiling or pressing menhaden, on vessels in public tide waters.

SECTION 1. Every person who shall throw into or deposit in, or cause to be thrown into or to be deposited in, any of the public tide waters of this state, or upon the shores of any such tide waters, any fish offal, or any water impregnated with fish, and every person who shall cause any deleterious substance resulting from the smelting or manufacture of copper, or from other manufactures, or from other sources, which is destructive to fish, or which repels them from coming into the said public waters, or which shall do anything which tends to drive them therefrom, to be emptied, deposited, or run into the said public waters, shall forfeit one hundred dollars. Penalty for destroying or driving away fish, by depositing deleterious substances.

SEC. 2. Every vessel, craft, boat, or floating apparatus of any kind whatever, employed in the procuring of fish oil, or in the dressing of bait for the mackerel fisheries, or the dressing of fish for other purposes, in violation of this chapter, shall be liable for any forfeiture and costs resulting from prosecution hereunder, and the same may be attached on the original writ, and held as other personal property attached may be held, to secure any judgment which may be recovered in any action brought to enforce any such forfeiture, and any person upon view of any offence in violation of this chapter may seize and detain any vessel, craft, boat, or floating apparatus, the same to be attached for a period not exceeding six hours. Vessels used in procuring fish oil, dressing fish, &c., liable for forfeiture, &c.

SEC. 3. Every person who shall boil any menhaden fish, or press any such fish for the purpose of extracting oil therefrom, on board of any vessel on any of the public tide waters, shall be fined not exceeding fifty dollars. Penalty for boiling or pressing menhaden, on vessel in tide waters.

TITLE XIX.

OF CORPORATIONS.

- CHAPTER 139. Provisions respecting corporations in general.
 CHAPTER 140. Of banks and institutions for savings.
 CHAPTER 141. Of returns of banks and institutions for savings.
 CHAPTER 142. Of manufacturing corporations.
 CHAPTER 143. Of insurance companies.
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 CHAPTER 146. Of turnpike and toll-bridge corporations.
 CHAPTER 147. Of voluntary associations.
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CHAPTER 139.

PROVISIONS RESPECTING CORPORATIONS IN GENERAL.

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1. General powers of corporations.
2. Shares deemed personal estate except, &c., and how transferable.
3. What may be included in by-laws.
4. Of the first meeting of corporations.
5. Mode of proceeding when there is no person authorized to call or preside at a legal meeting.
6. Power of corporation when so assembled.
7. Validity of incorporation not impaired by failure to hold annual meeting.
8. Corporations continued bodies corporate after charter has expired, in certain cases.
9. What property may be levied upon on executions against corporations.

SECTION

10. Who shall be considered the highest bidder on sale of franchise of corporation.
11. How the franchise shall be transferred; rights of purchaser.
12. Purchaser may recover penalties for injury to franchise, &c.
13. Powers of corporation whose franchise is sold.
14. How franchise may be redeemed.
15. Records of transfers of stock, where kept; and of recording officer.
16. Corporations to have place of business within this state, and agent, &c., there resident.
17. Acts of incorporation may be amended or repealed by the general assembly.

General powers
of corporations.

SECTION 1. All corporations shall, when no other provision is specially made, have perpetual succession, may make and use a common seal, and break, alter, and renew the same, be capable of taking, holding, transmitting, and conveying property, real or personal, in their corporate name, may sue and be sued, appear, prosecute, and defend actions and suits to final judgment and execution in any court or elsewhere; may elect, in such manner as they shall determine to

be proper, all necessary officers, and may fix their compensation and define their duties and obligations; and may make by-laws and regulations, consistent with law, for their government, and for the due and orderly conducting of their affairs, and the management of their property.

SEC. 2. The shares into which the capital stock of any corporation shall be divided shall be deemed to be personal estate, unless otherwise provided in the act creating the corporation, and shall be transferable in such manner as shall be prescribed by the by-laws of the corporation.

Shares, personal estate, except, &c.; how transferable.

SEC. 3. Corporations may, by their by-laws, where no other provision is specially made, determine the manner of calling and conducting meetings; the number of shares that shall constitute a quorum; the number of shares that shall entitle the members to one or more votes; the mode of voting by proxy; the mode of selling shares for the non-payment of assessments; and the tenure of office of the several officers; and they may annex suitable penalties to such by-laws, not exceeding in any case the sum of twenty dollars for any one offence, but no such by-law shall be made by any corporation, repugnant to the provisions of its charter.

What may be included in by-laws.

SEC. 4. The first meeting of all corporations, except of banks, shall, unless otherwise provided for in their acts of incorporation, be called by a notice signed by any one or more of the persons named in the act of incorporation, and setting forth the time, place, and objects of the meeting; and such notice shall, seven days at least before the meeting, be delivered to each member, or published in some newspaper of the county, where the corporation may be established, or, if there be no newspaper in the county, then in some newspaper of an adjoining county: *Provided*, that notice of the first meeting of incorporated religious societies may be affixed to the door, or some other conspicuous part, of their meeting-house or usual place of assembling for religious purposes.

Of the first meeting of corporations.

SEC. 5. Whenever, by reason of the death, absence, or other legal impediment of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any justice of the peace in the county where such corporation is established may, on a written application of three or more of the members thereof, issue a warrant to either of said members, directing him to call a meeting of said corporation, by giving such notice as has been previously required by law, and the justice may, in the same warrant, direct such person to preside at such meeting, until a clerk shall be duly chosen and qualified, if there shall be no officer present legally authorized to preside thereat.

Mode of proceeding, when no person is authorized to call meeting or preside.

SEC. 6. Such corporation, when so assembled, may elect officers to fill vacancies then existing, and may act upon such other business as might by law be transacted at regular meetings of the corporation.

Power of corporation when assembled.

SEC. 7. The validity of any act of incorporation shall not be impaired by a failure to hold an annual meeting for the election of officers, or a failure to elect officers at the time prescribed by the charter or by-laws of the corporation; but such election may be held at a subsequent meeting of the stockholders duly notified for that purpose.

Act of incorporation valid, although annual meeting not held, &c.

SEC. 8. Corporations whose charters shall expire by their own limitation, or shall be annulled by forfeiture or otherwise, shall nevertheless be continued bodies corporate, for the term of three years

When corporations continued bodies corporate, after charter has expired.

after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock; but not for the purpose of continuing the business for which such corporations have been or may be established.

What property may be levied on, on executions against.

SEC. 9. Whenever final judgment shall be recovered against any turnpike or other corporation authorized to receive tolls, the franchise of such corporation, with all the rights and privileges thereof, so far as relates to the receiving of toll, and also all other corporate property, may be taken on execution and sold, in the same manner as real estate belonging to corporations is liable by law to be taken and sold on execution.

Who shall be considered highest bidder on sale of franchise.

SEC. 10. In the sale of the franchise of any corporation, the person who shall satisfy the execution, with all legal fees and expenses thereon, and who shall agree, in consideration therefor, to take such franchise for the shortest period of time, and to receive during that time all such toll as the said corporation would by law be entitled to demand, shall be considered as the highest bidder.

How franchise transferred; rights of purchaser.

SEC. 11. The return of the officer on such execution shall transfer to the purchaser all the privileges and immunities which by law belonged to said corporation, so far as relates to the right of demanding toll; and the officer shall, immediately after such sale, deliver to the purchaser, possession of all the toll-houses and gates belonging to said corporation, in whatever county the same may be situated; and the purchaser may thereupon establish, demand, and receive, to his own use, all the toll which may accrue within the time limited in the said purchase of said franchise; and during that time the corporation shall not be entitled to sue for such tolls, or to prosecute for any penalty for the non-payment thereof.

Purchaser may recover penalties, for injury to franchise, &c.

SEC. 12. Any person who shall purchase the franchise of any turnpike or other corporation, and the assignee of such person, may recover, in an action on the case, any penalties imposed by law for an injury to the franchise, or for any other cause, and which such corporation would be entitled to recover during the time limited in the said purchase of the franchise; and during that time the corporation shall not be entitled to prosecute for such penalties.

Powers of such corporation.

SEC. 13. The corporation whose franchise shall have been sold as aforesaid shall, in all other respects, retain the same powers and be bound to the discharge of the same duties, and liable to the same penalties and forfeitures, as before such sale.

How franchise may be redeemed.

SEC. 14. Such corporation may, at any time within three months from the time of such sale, redeem the franchise, by paying or tendering to the purchaser thereof the sum that he shall have paid therefor, with twelve per cent. interest thereon, but without any allowance for toll which he may have received; and upon such payment or tender, the said franchise, and all the rights and privileges thereof, shall revert and belong to said corporation, as if no such sale had been made.

Records of transfers of stock, where kept; of the recording officer.

SEC. 15. All records of transfers of stock of corporations incorporated by the sole authority of this state shall be made and kept within this state, and the officer of every such corporation, whose duty it may be to record the transfer of shares in the capital stock thereof shall, at the time of his election or appointment, be a resident of the state; and whenever such officer shall cease to be a resident therein, his office shall become vacant.

SEC. 16. Every corporation created under the authority of this state shall have a place of business within this state, and shall have a clerk, treasurer, or other agent, who shall reside therein.

Place of business of corporation.

SEC. 17. All acts of incorporation hereafter granted shall be subject to the provisions of this chapter, and may be amended or repealed at the will of the general assembly, unless express provision be made therein to the contrary.

General assembly may amend or repeal charter of.

CHAPTER 140.

OF BANKS AND INSTITUTIONS FOR SAVINGS.

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1. Of the organization of new banks.
2. How books of subscription are to be opened.
3. Commissioners to apportion stock, &c.
4. Who shall constitute the corporation.
5. How the stockholders shall meet; notice of meeting, how given.
6. Tenure of offices.
7. When the bank shall go into operation.
8. Commissioners to superintend organization till stock all paid in.
9. Stockholders to be liable for debts of bank.
10. Of reduction of amount of capital stock.
11. Bank not to be removed or to establish agency; penalty.
12. How meetings of stockholders may be called.
13. Who may vote at such meetings.
14. General treasurer to vote on stock owned by state.
15. General treasurer to be director in bank where state is stockholder; shall visit such bank once in three months.
16. Director must be stockholder and citizen of the state.
17. Names of officers of bank to be published.
18. How directors of bank may be removed and vacancies filled.
19. How officers of bank appointed by directors may be removed.
20. Presence of three directors necessary for discount.

SECTION

21. Penalty on officer of bank for refusing to permit stockholder to inspect books, &c.
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23. How actions against directors in such case to be brought and prosecuted.
24. Absent or dissenting directors, how exonerated.
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61. Of notice to be published by such agent.
62. Claims to be presented to such bank within three years, after publication of such notice.
63. What powers bank to retain, after expiration of such three years.

Organization of banks.

SECTION 1. The governor shall appoint three commissioners, to superintend the organization of any bank which may be incorporated. The compensation of such commissioners shall be paid by the bank.

Books of subscription, how opened.

SEC. 2. The commissioners shall open a book of subscription to the capital stock of such bank, they giving notice of the time and place thereof, in one or more newspapers published in the county where such bank is to be located ; and, if no newspaper be published in said county, then in some newspaper published in an adjoining county.

Commissioners to apportion stock, &c.

SEC. 3. Whenever the books of subscription are closed, the commissioners shall apportion the stock, as near as may be, to the amount subscribed by each person who shall, in their opinion, have the ability to make a *bond fide* investment therein, and they shall file a copy of the apportionment in the office of the secretary of state.

Who to constitute the corporation.

SEC. 4. The persons to whom the stock is apportioned as aforesaid shall constitute the corporation created by the charter of said bank.

Stockholders, how to meet ; notice of meeting.

SEC. 5. Such stockholders shall meet at a time and place to be fixed by the commissioners, to organize and transact business. Notice of the time and place of such meeting shall be given to the stockholders, either personally, or in writing, or in some newspaper, published as provided in section two of this chapter.

SEC. 6. The officers chosen at such meeting, or at any adjournment thereof, shall hold their offices until the next annual meeting, and until others are elected in their places.

Tenure of offices.

SEC. 7. Such bank shall not go into operation, nor shall any bills be issued, until the first instalment of the capital stock required by the act of incorporation of such bank shall have been paid in, in cash, and such commissioners shall have filed, in the office of the secretary of state, a certificate to that effect, and such bank shall have caused said certificate to be published in two newspapers printed in the state.

When the bank shall go into operation.

SEC. 8. Such commissioners shall superintend the organization of such bank, until the entire amount of capital stock of such bank, originally subscribed, shall have been fully paid in, in cash, and they shall sign and file in the office of the secretary of state a certificate to that effect.

Commissioners, how long to superintend organization.

SEC. 9. The stockholders of any bank incorporated by this state, unless exempted by the charter of such bank, which shall be hereafter incorporated, shall be personally and individually liable for all debts due from the bank, for circulation, deposit, or otherwise, to the amount, at their par value, of the shares held by them, in addition to the amount invested in such shares: *Provided*, that the corporation shall be first sued, and the corporate property first exhausted, in the payment of the debts of the bank.

Stockholders liable for debts of bank.

SEC. 10. The capital stock of any bank shall not be reduced, by a division of any part of the same, without the consent of the general assembly; and if, by reason of losses, the capital stock of any bank shall be diminished one fourth part or more of the sum fixed by the charter of such bank, the same shall be filled up to its original amount, within one year after such loss shall have been incurred. Any violation of the provisions of this section shall work a forfeiture of the charter of the offending bank.

Of reduction of amount of capital stock.

SEC. 11. No bank shall be removed from the town wherein it is located by its charter; nor shall any bank establish any branch office, or agency thereof, for discount, in any other place than that in which such bank is located, unless by permission of the general assembly. If any bank shall violate the provisions of this section, its charter shall be forfeited.

Bank not to be removed, or establish agency;

penalty.

SEC. 12. One third of the stockholders in interest, in any bank, may call meetings of the stockholders, at their banking room, for the transaction of business, with the same legal effect as if the meeting had been called by the directors of the bank; first giving such notice of the time and place of meeting as may be prescribed in their charter, or provided by law.

How meetings of stockholders may be called.

SEC. 13. No person shall be entitled to vote at any stockholders' meeting in any bank, upon stock which has been transferred to him within fifteen days of such meeting.

Who may vote at such meetings.

SEC. 14. The general treasurer shall, by virtue of his office, be entitled to be present at the meetings of the stockholders of every bank, or national banking association, in which the state is a stockholder, and to vote upon the stock owned by the state, in all questions before such meetings.

General treasurer to vote on stock of state,

SEC. 15. The general treasurer shall, by virtue of his office, be a director of every bank incorporated by the state, in which the state is a stockholder; and shall visit as director, every such bank, as often as once in three months.

and be *ex officio* director of bank where state a stockholder, &c.

SEC. 16. No person shall be a director of any bank incorporated

Who may be directors.

by this state, unless he is a stockholder therein, and a citizen of, and resident in, this state, unless where otherwise specially provided.

Names of officers of bank to be published.

SEC. 17. Cashiers of banks shall cause the names of all the directors, and of the president and cashier thereof, to be published within twenty days after their election, in some newspaper printed in the county in which the bank is located; except in case of banks in the counties of Washington and Kent, in which case such notice shall be published in some newspaper printed in said counties, or in the city of Providence; and every cashier shall, within the said twenty days, file a list of said officers in the office of the secretary of state.

Directors, how removed; vacancies, how filled.

SEC. 18. A majority, consisting of not less than half the stockholders in interest in any bank, may remove any, or all the directors of the bank, at any meeting legally called and notified for that purpose; and vacancies caused by such removals may be filled in the manner prescribed by the charter and by-laws of such bank.

Officers appointed by directors, how removed.

SEC. 19. The directors of any bank may, by a majority of not less than half of the whole board, remove any officer of the bank, appointed by them: *Provided*, that notice of the meeting of the board, for such purpose, be given to all the members of the board, and to the officer sought to be removed.

Three directors necessary for discount.

SEC. 20. The presence and consent of at least three directors shall be necessary for the discounting of notes or bills of exchange by any bank.

Stockholders may inspect books, &c.

SEC. 21. If any cashier, or other officer of any bank, shall refuse to permit any stockholder thereof to inspect the books, papers, and accounts thereof, excepting the private accounts of individuals, the person so offending shall forfeit fifty dollars.

Limit to debts of bank; liability of directors for excess.

SEC. 22. The total amounts of the debts which any bank shall at any time owe, exclusive of money actually deposited in said bank, shall not exceed sixty-five per cent. of its capital stock actually paid into said bank; and in case of excess, the directors, under whose administration it shall happen, shall also be liable for the same in their private capacities, to the creditors of such bank.

Actions against in such case, how brought, &c.

SEC. 23. In such case, an action may be brought against them, or any of them, their heirs, executors, or administrators, in any court proper to try the same, by any creditor of such corporation, and be prosecuted to final judgment and execution; this shall not be construed to exempt the corporation, or their lands, tenements, goods, or chattels, from being also liable for and chargeable with such excess.

Absent or dissenting directors, how exonerated.

SEC. 24. Such of said directors as may have been absent when such excess was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of their absence or dissent to the stockholders, at a general meeting which they may call for that purpose.

Limit of circulation; penalty for exceeding.

SEC. 25. If any bank shall at any time have bills or notes of said bank in circulation exceeding sixty-five per cent. of its capital stock actually paid in, the directors, for the time being, shall forfeit one thousand dollars each, and the charter of such bank shall thereupon be declared null and void.

Penalty for issuing bills payable elsewhere.

SEC. 26. If any bank shall make any issue of any bank-bill payable at any other place than its own banking room or place of business, the president or cashier, or other person who shall sign such bank-bill, shall each forfeit fifty dollars.

Penalty for issuing bills for less than one dollar.

SEC. 27. If any bank shall issue or pass any note, bill, order, or check, for a less sum than one dollar, with intent that the same shall be circulated as currency, the president, or cashier, or other person

who shall sign such note, bill, order, or check, shall forfeit for every such offence one hundred dollars.

SEC. 28. Every bank which shall issue, reissue, or circulate any bill for any fractional part of a dollar, shall be fined fifty dollars, to be recovered by indictment against the president, or other officers of such bank, who shall sign or issue the same.

Penalty for issuing fractional bills.

SEC. 29. Every bank which shall receive in payment, or upon deposit, or for examination, or for redemption from any other bank, or from any person, any counterfeit bank-bill, shall write or stamp upon such bank-bill the word "counterfeit," adding thereto or thereunder the name of the bank, and the initials of its officer, by which such writing or stamp may be made.

Of stamping counterfeit bills.

SEC. 30. Every bank-note or bill, which may have been altered from its denomination or amount to some other, shall, in like manner be stamped with the word "altered," in such manner as to give notice of such alteration.

Of stamping altered bills.

SEC. 31. If any bank, or its officer, shall, by mistake, or inadvertence, make any such writing or stamp upon a bank-note or bill, which is not in fact a counterfeit or altered bill, the bank or its officer shall not be answerable in damages in any sum greater than the actual loss or damage, which such mistake or inadvertence may produce.

Of mistakes in such stamping.

SEC. 32. No protest of any note, draft, or check shall be made by any notary public who is the president, cashier, director, clerk, or agent of any bank or savings institution wherein such note, draft, or check has been placed for collection, or has been discounted.

Who not to protest notes, &c.

SEC. 33. If any bank shall issue, pay out, or pass any bill or note, payable in anything but gold or silver, the president or cashier who shall sign such bill or note shall respectively forfeit fourfold the amount of such bill or note.

Penalty for issuing bills not payable in gold and silver.

SEC. 34. If any person shall pass or tender in payment any bank-bill payable in anything but gold or silver, he shall forfeit fourfold the amount of such bank-bill.

or passing same.

SEC. 35. Every officer of any bank who shall fraudulently manage or conduct the affairs or business of such bank, so that any person be defrauded by such management or conduct, shall be fined not exceeding five thousand dollars.

Penalty for fraudulently managing business.

SEC. 36. Every person who shall issue or pass any note, bill, order, or check, other than the notes or bills of some bank incorporated by this state, or the United States, or some one of them, or treasury notes of the United States, with intent that the same shall be circulated as currency, shall be fined for every such offence, one hundred dollars.

Penalty for passing notes or currency, except bank bills and treasury notes.

SEC. 37. All notes, bills, orders, or checks which shall be issued, or passed as aforesaid, other than the notes or bills of any bank incorporated as aforesaid, and checks drawn on any such bank, shall be utterly void.

Such notes to be void.

SEC. 38. Whenever any incorporated bank shall, for the space of five days after demand in writing left with the cashier of such bank, refuse or neglect, upon application therefor, to pay any money deposited therein, or which has been collected on any security deposited in said bank for collection, to the person having legal right to demand and receive the same; or shall refuse, upon demand and application, as aforesaid, to deliver to any person having legal right, as aforesaid, any security, or money deposited in such bank for safe keeping, or for collection and not collected, or any specific article deposited therein

Liability of bank refusing to pay out deposit, &c.

for safe keeping ; such bank shall be liable to pay in damages to the party aggrieved the value of the article or the amount of the money or security so detained, with interest from the demand, and such additional damages as the court or jury before which the same may be tried shall think reasonable.

When special bank commissioners to be appointed: their powers and duties.

SEC. 39. The general assembly, at any session thereof, and the governor, at any time when the assembly is not in session, when it shall be deemed expedient, may institute a special commission to visit and examine any one or more of the banks or institutions for savings ; to inquire whether they have been and are managed according to law, and to ascertain their state and condition, with such power and authority as shall be deemed necessary ; including the power to send for persons and papers, and to summon and examine persons, under oath, touching the matters committed to them.

Power of stockholders, &c., to require investigation.

SEC. 40. In addition to the examination as provided in the preceding section, if any three or more persons, who shall be officers, stockholders, or creditors of any bank or institution for savings, shall make a statement in writing, setting forth their interest, and the reasons for making such examination, and shall direct the same to the governor, requesting him to cause such bank or institution for savings to be examined, the governor forthwith shall institute a special commission, with full power to make a full investigation of the affairs of such corporation, in manner hereinbefore provided.

Commissioners to report.

SEC. 41. Commissioners appointed in accordance with the provisions of either of the two preceding sections shall report their doings to the general assembly as soon as may be.

Penalty for refusing aid, &c., to commissioners.

SEC. 42. If any officer of any bank, or of any institution for savings, or any other person, shall refuse to any bank commissioner, appointed as aforesaid, such information, aid, or assistance, as shall be required in the discharge of his duty as commissioner, such bank officer shall be fined for each offence, not exceeding ten thousand dollars, and the bank or institution for savings may also be proceeded against, as is hereinafter provided.

Citation to bank, to show cause why injunction should not issue ; when and how to be given.

SEC. 43. The supreme court, when in actual session, and otherwise any justice thereof, shall, upon complaint in writing from any such bank commissioner under oath, setting forth that, in his opinion, any bank or institution for savings has forfeited its charter at law, or is so managing its concerns that the public, or those having funds in its custody, are in danger of being defrauded thereby ; or has become insolvent ; forthwith issue a citation to such corporation, directed to, and to be served upon the president, directors, cashier, or treasurer thereof, by leaving an attested copy at their banking room, or usual place of business, commanding such president, directors, and cashier, or treasurer, personally to appear on a day and at a place named in said citation, then and there, under oath, to show cause, if any they have, why a writ of injunction should not issue, enjoining such corporation from further exercising the powers and franchises conferred by its charter.

Of removal of complaint into supreme court.

SEC. 44. When such complaint is made before a single justice, and the citation is made returnable to said court by the justice issuing the same, such complaint shall be by said justice removed into said court on the day named in the said citation, there to be proceeded with in like manner as if the citation had been originally issued by said court.

SEC. 45. If, upon examination of the evidence adduced by the

parties upon the hearing of such complaint, the court or justice before whom the same is heard shall be of the opinion that the charter of such bank or institution for savings is forfeited, or that such bank or institution for savings is so managed that the public, or those having funds in its custody, are in danger of being defrauded thereby, or that such bank or institution for savings has become insolvent, such court or justice shall issue an injunction to the president, directors, cashier, and other officers of such bank, or to the treasurer, trustees, and other officers of such institution for savings, as the case may be, enjoining and restraining them from transacting any further business thereof, and such court or justice shall thereupon appoint a receiver of the property and evidences of property of every description of such bank or institution for savings, and, from time to time, may require such receiver to give bonds with sureties to the satisfaction of such court or justice.

When injunction against bank may be granted and receiver appointed.

SEC. 46. The receiver may take the same into his possession, and shall collect the debts, dispose of the property, and pay out of the proceeds thereof, if the same shall be sufficient, all the debts of the corporation, first reserving to himself a reasonable compensation for his services, and shall give the bill-holders a preference over other creditors, or pay them ratably, if there shall not be sufficient to pay the whole. In case there shall be any surplus after paying the receiver for his services, and after paying the debts of the corporation, with incidental expenses, the receiver shall distribute the same in due proportion among the stockholders of such bank, or other persons entitled thereto.

Powers and duties of receiver.

SEC. 47. Such receiver shall be clothed with all the powers and authority, in respect to the collection of debts due to such corporation, as the corporation possessed, in virtue of its charter or otherwise, before such injunction issued, and may be removed by the supreme court and another appointed in his stead; and the supreme court shall have the same power and authority over the receiver, his acts, proceedings, and accounts, as is exercised by courts of equity in like cases.

Power of, to collect debts;

power of supreme court over.

SEC. 48. So long as any such injunction shall be in force against any such bank or institution for savings, all suits and legal process against the same for the collection of debts shall be stayed.

Effect of injunction, &c.

SEC. 49. The said court is also empowered to issue a temporary injunction, staying proceedings in such particulars and for such length of time as in the opinion of the court may be necessary for the safety of the public, and the proper management of the affairs of the corporation, without proceeding to the appointment of a receiver.

Temporary injunctions; power of court to issue.

SEC. 50. The said court, at any term thereof, subsequent to the issuing of said injunction, shall, upon the hearing of all the parties upon said complaint, if they see cause, declare the charter of said corporation null and void.

When court may declare charter void.

SEC. 51. Such citation, whether issued by said court, or by a single justice, may also contain a temporary injunction on said corporation, and all of its officers, restraining them from proceeding in any business of said corporation, which may diminish or endanger the assets of such corporation; which injunction, unless removed, shall continue until the complaint is finally disposed of.

Citation to contain temporary injunction.

SEC. 52. If the president, directors, cashier, treasurer, agents, or servants of any bank, or institution for savings, which shall be enjoined as beforementioned, or any other person upon being required thereto, shall neglect or refuse to deliver to the receiver of such cor-

Penalty on officers, for refusal to deliver property of bank to receiver.

poration, who may be appointed by virtue of this chapter such evidences of debt, goods, effects, and property of every description, and evidences of and titles to property belonging to such corporation, as may be in their possession or under their control, every person so offending shall be fined not exceeding ten thousand dollars, or be imprisoned not exceeding three years; or be both fined and imprisoned within the limits last aforesaid, at the discretion of the court.

Bank to keep record of proceedings, &c., at meetings.

SEC. 53. Every bank, and every institution for savings, in this state, shall cause a record to be made, in a book kept for that purpose, of all the proceedings of the board of directors or trustees, or committees thereof, at every meeting thereof, and of the names of all such directors or trustees, or committees thereof, as may be present at any such meeting.

Receipts of institutions for savings, how to be invested.

SEC. 54. Institutions for savings shall invest their receipts in public stocks or bonds of any state, or of the United States, or in any bank stock, or in notes or bonds of any town or city, or in such corporate stocks or bonds as they may deem safe and secure, or they may discount notes, bonds, or drafts of individuals or corporations, with two other responsible endorsers, sureties, or guarantors, or the notes, bonds, or drafts of individuals or corporations, secured by the public notes, stocks, or bonds of any state, of the United States, or of any town or city, or by the stock or bonds of any corporation which may be deemed to be safe, or by mortgage on real estate.

Limitation on certain investments.

SEC. 55. No such institution shall have an amount exceeding one half of its receipts invested in notes, bonds, or drafts of individuals, or corporations, unless secured by some public notes, bonds, or stocks as aforesaid, or by mortgage on real estate; but the preceding section shall not be so construed as to forbid any such institution from placing and holding on deposit in any bank, such reasonable amount of their receipts as is customary, and they may deem proper, payable on demand, whether drawing interest or not.

Loans to officers of, prohibited.

SEC. 56. No money shall be loaned by any institution for savings to any trustee, director, or other officer of such institution.

When deposits may be paid to non-resident, &c., executor.

SEC. 57. Savings banks and institutions for savings, having money on deposit, belonging to the estate of any deceased person, whose residence at the time of his decease was in another state, shall pay the same at any time after six months from the decease of the depositor, if within that time administration on his estate shall not have been granted or applied for within this state, to the executor or administrator of such deceased person, duly appointed in the state where such deceased person last resided; and the payment to such executor or administrator shall be a valid discharge for money so deposited.

Depositors may control, transfer, or withdraw their deposits.

SEC. 58. Every person not under guardianship, who may make a deposit personally in any savings bank or institution for savings in this state, may control, transfer, or withdraw the money so deposited, and the dividends or interest that have or may accrue thereon, notwithstanding such person at the time of exercising such control, or of making such transfer or withdrawal, may be a married woman or a minor.

Of closing up business of bank, by vote of stockholders.

SEC. 59. Whenever the stockholders of any bank incorporated by the general assembly of this state shall vote to close up the business of such bank, from and after the time named in such vote, it shall cease to have any power or authority to issue any bills or notes for any purpose whatever, or to do any business, except in investing its funds on hand, redeeming its liabilities, collecting its dues, disposing

of its assets, and transacting such business as may be incidental to the final closing up of the affairs of the said bank ; and the plates and bills of the said bank shall be destroyed, in the presence of the state auditor and of the general treasurer.

SEC. 60. For the purpose of closing up the affairs of any such bank, the stockholders or directors thereof may appoint an agent other than the directors, to close up its business, with such power and authority as they may impose by vote upon such agent.

Agent may be appointed to close up bank.

SEC. 61. Such agent shall cause public notice to be given of the intention of the stockholders of such bank to close up its affairs, by publishing, for six weeks, a notice thereof, in the newspaper published at the place nearest where such bank shall be located, and in some newspaper published in the city of Providence, and of the time and place where and when the debts of the said bank will be paid, and its liabilities be discharged.

Of notice to be published by such agent.

SEC. 62. Persons having claims against any such liquidating bank shall present them for adjustment within three years from the publication of the notice herein provided for, or they shall be barred from making the same thereafter.

Time for presenting claims against.

SEC. 63. At the expiration of the said "three years," such bank shall cease to be a corporation for any purpose whatever, but to prosecute and defend pending suits, and to distribute any of its remaining assets among the persons entitled to the same.

When bank to cease to be a corporation, except, &c.

CHAPTER 141.

OF RETURNS OF BANKS AND INSTITUTIONS FOR SAVINGS.

SECTION

1. Banks to make returns, when and to whom.
2. Notice to be given of the day on which return to be made.
3. What particulars such bank returns shall embrace.
4. Who shall make oath to returns.
5. What particulars the returns of institutions for savings shall embrace.

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6. Who shall make oath to said return.
7. Penalty for neglecting, &c., to make returns.
8. Abstract of bank returns to be prepared, published, and distributed.
9. Exception of national banking associations from provisions of foregoing chapters.

SECTION 1. Every incorporated bank, and every incorporated institution for savings, shall make return to the state auditor of its situation on some one day certain, between the fifteenth day of November and the fifteenth day of December, of each year, which day shall, on some subsequent day, be designated by the state auditor.

Returns to be made, when, and to whom.

SEC. 2. The state auditor shall give notice of the day designated, to the cashiers of the several banks, and the treasurers of the several institutions for savings ; and each bank, and each institution for savings shall, within ten days, after the notice aforesaid, make return of its situation on the day so designated, as hereinafter prescribed.

Notice of day of, when to be given.

SEC. 3. The bank returns, hereby required, shall embrace the following particulars : — Situation of the bank of _____ on the _____ ; capital actually paid in ; amount of bills in circula-

What particulars such bank returns shall embrace.

tion; amount of deposits on interest; amount of deposits not on interest; amount due to other banks; amount of dividends unpaid; amount of net profits on hand; total amount of liabilities; amount of debts due from directors; amount of debts due from other stockholders; amount of debts due from all others; amount of specie actually in bank; amount of bills of other banks; amount of deposits in other banks; amount of its own stock held by the bank; amount and description of stock in other banks; and amount and description of other stocks owned by the bank; amount and description of stocks held as collateral security for loans; amount of real estate; amount of other property; total amount of resources; increase of capital since last return; par value of shares; date, rate per cent. and amount of last dividend; amount of suspended paper considered bad or doubtful; reserved profits at the time of the last dividend; amount loaned on pledges of stock in the bank; amount of debts due and not paid; largest amount of indebtedness of any one person or firm.

Who to make oath to.

SEC. 4. The president and cashier of each bank, or, in case of their inability from sickness or otherwise, two of the directors, shall be engaged to the truth of such return, which engagement shall be certified upon the return.

What particulars the returns of institutions for savings shall embrace.

SEC. 5. The returns hereby required to be made by each institution for savings shall embrace the following particulars:—Statement of the situation of institution for savings, on the day of ; whole amount of deposits; amount of profits on hand; amount invested in mortgages on real estate; amount invested in stocks; amount invested in bonds, specifying the names of the institutions in which such stocks and bonds are held, with the several amounts in each; amount loaned on personal security secured by endorser only; amount loaned on personal security secured by collaterals, and amount of cash on hand. The returns shall also give the whole number of depositors; the number who have sums deposited of five hundred dollars and under one thousand dollars; number who have sums deposited of one thousand dollars and upwards; the largest amount due to any one depositor; amount and rate per cent. of the last dividend; average rate of dividends for the last three years; amount of reserved profits at time of last dividend; amount of deposits, with the names of the depositors, which for any reason the treasurer believes will never be claimed; and amount loaned on mortgages in other states, specifying the amount in each.

Who to make oath to.

SEC. 6. The treasurers of the several institutions, or, in case of their inability from sickness or otherwise, the president or one of the trustees, shall be engaged to the truth of such return, which engagement shall be certified thereon.

Penalty for neglecting, &c., to make returns.

SEC. 7. If the treasurer, or, in case of his inability, the president or some one of the trustees, shall neglect or refuse to make return as aforesaid, the trustees shall, personally, forfeit twenty dollars for every day such institution shall neglect or refuse to make return as aforesaid, after the expiration of the ten days aforesaid; to be recovered in the name of the general treasurer, to the use of the state.

Abstract of bank returns to be published, &c.

SEC. 8. The state auditor shall, as soon as may be, cause an abstract of the bank returns, and the returns of the various institutions for savings, hereby required, to be made out, and three hundred copies thereof to be published in pamphlet form; and shall send one copy thereof to the governor, one to the lieutenant-governor, one to the secretary of state, one to the attorney general, one to the general

treasurer, one to each member of the senate and house of representatives, one to each town clerk, one to each of the incorporated banks, one to each of the incorporated institutions for savings, one to the secretary of the treasury of the United States, five to the Historical Society, and shall reserve one for himself.

SEC. 9. The provisions of the foregoing chapters of this title shall not apply to national banking associations, or be construed to prohibit the issuing, passing, or circulating any bills, notes, or currency made lawful by the acts of congress of the United States.

National banking associations excepted, &c.

CHAPTER 142.

OF MANUFACTURING CORPORATIONS.

SECTION

1. Members of manufacturing corporations liable for debts of corporation, until capital stock paid in and certificate made and recorded.
2. Certificate of payment of capital stock, how made and recorded.
3. Penalty on officers for neglecting to make such certificate.
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5. Liability of stockholders in case of withdrawal of capital stock before payment of debts.
6. Liability of directors for making dividend when company is insolvent.
7. Note given for stock shall not be considered payment; officers liable for loans to stockholders.
8. Of appraisal of property of manufacturing corporations by assessors.
9. Compensation of assessors.
10. Certificate to be made by assessors and recorded.
11. Annual certificate to be filed by corporation.
12. Liability of stockholders for neglect to file such certificate.
13. How stockholders may exempt themselves from liability caused by such neglect.

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14. Debts not to exceed capital stock paid in; liability of directors for excess.
15. How absent or objecting director may exempt himself from liability.
16. How manufacturing corporations heretofore incorporated may adopt provisions of this chapter.
17. Real and personal estate of manufacturing corporations to be liable to attachment for debts.
18. Liability of officers for making false certificate.
19. Of the remedy against officers who shall become liable for debts of company.
20. Of process against stockholders, and how served.
21. Of remedy by bill in equity.
22. Stockholders liable for contribution.
23. Remedy in behalf of an officer who has paid debt of company.
24. What persons not liable for debts of company although holding stock.
25. Executors, trustees, and others to vote as stockholders.
26. Manufacturing corporations hereafter created to be subject to provisions of this chapter.

SECTION 1. The members of every incorporated manufacturing company shall be jointly and severally liable for all debts and contracts made and entered into by such company, until the whole amount of the capital stock fixed and limited by the charter of said

Members of, how long liable for debts of.

company, or by vote of the company in pursuance of the charter, or of law, shall have been paid in, and a certificate thereof shall have been made and recorded in a book kept for that purpose, in the office of the town clerk of the town wherein the manufactory is established, and no longer, except as is hereinafter provided.

Certificate of payment of capital stock, how made and recorded.

SEC. 2. The president and directors, with the treasurer and clerk of such company, within ten days after the payment of the last instalment of the capital stock fixed and limited by the charter, or by vote of the company, in pursuance of the charter, or of law, shall make a certificate, stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn to by the president, treasurer, and clerk, and by a majority of the directors, and they shall, within said ten days, lodge the same to be recorded in the book kept as aforesaid in the office of the town clerk of the town wherein the manufactory shall be established. In case of increase of the capital stock of said companies, like proceedings shall be had as to the amount added and paid in.

Penalty for neglect to make, &c.

SEC. 3. If any of said officers shall refuse or neglect to perform the duties required of them as aforesaid, they shall be jointly and severally liable for all debts of the company contracted after the expiration of said ten days, and before such certificate shall be recorded as aforesaid.

Of reduction of amount of capital stock.

SEC. 4. Every such company may, by a vote at any meeting called for that purpose, reduce its capital stock within the limits authorized by its charter; and in such case a certified copy of the vote shall, within ten days after the passing thereof, be recorded as aforesaid; and in default thereof, the directors of the company shall be jointly and severally liable for all debts of the company contracted after said ten days, and before the recording of the copy of the vote as aforesaid.

Liability of stockholder, if capital stock withdrawn before payment of debts.

SEC. 5. If any part of the capital stock of such company shall be withdrawn and refunded to the stockholders, before payment of all the debts of the company, contracted previously to the recording of the copy of the vote reducing the capital stock, as in the preceding section required, all the stockholders of the company shall be jointly and severally liable for the payment of said last mentioned debts.

Liability of directors for making dividend, when company is insolvent.

SEC. 6. If the directors of any such company shall declare and pay any dividend, when the company is insolvent, or any dividend the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office: *Provided*, that the amount for which they shall all be so liable shall not exceed the amount of such dividend, and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and shall file their objection, in writing, with the clerk of the company, they shall be exempted from such liability.

Note given for stock, not to be considered payment.

SEC. 7. No note or obligation given by any stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock, and no loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who make it or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

SEC. 8. In case any manufacturing company owning a manufacturing establishment has obtained or shall obtain a charter of incorporation, and all the members of the corporation shall be members of the company, or the members of the corporation not members of the company shall own less than one third of the stock of the corporation, the manufacturing establishment, including all the real estate and machinery conveyed by the company to the corporation, shall be appraised by the assessors of taxes of the town wherein such manufactory shall be situated, and the amount of the capital stock of such corporation, represented by such real estate and machinery, shall not exceed the sum at which the same may be appraised as aforesaid, either in the whole under the provisions of this chapter, or in any part which may be exchanged by any member of the company for shares in the stock of such corporation, or in which he may pay assessments laid on his shares in the same.

Of appraisal of property of manufacturing corporations by assessors.

SEC. 9. Such assessors shall receive for their services in appraising such real estate and machinery the sum of ten dollars, to be equally divided between such of them as may act in the premises, not being less than a majority of the whole number, together with their necessary expenses in making such appraisement, to be paid by the corporation.

Compensation of assessors.

SEC. 10. A certificate of such appraisement, signed and sworn to by the assessors making the same, shall be first recorded as aforesaid, in addition to the certificate required by the second section of this chapter, before the liability of the members of such corporation for the debts and contracts of the same shall cease.

Certificate to be made and recorded.

SEC. 11. Every manufacturing company included within the provisions of this chapter shall file in the town clerk's office of the town where the manufactory is established, annually, on or before the fifteenth day of February, a certificate signed by a majority of the directors, truly stating the amount of its capital stock actually paid in, the value as last assessed for a town tax of its real estate, the value of its personal assets, and the amount of its debts or liabilities on the thirty-first day of December of the year next preceding.

Annual certificate to be filed by corporation.

SEC. 12. If any of such companies shall fail so to do, all the stockholders of such company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such notice shall be given, unless such company shall have become insolvent and assigned its property in trust for the benefit of its creditors, in which case the obligation to give such notice by the filing of such certificate, shall cease.

Liability of stockholders if certificate not filed.

SEC. 13. If such certificate be not so made and filed by a majority of the directors, or other officers of such company, any stockholder thereof may exempt himself from liability for the debts of the company in consequence of such neglect, by filing in the office of the town clerk of the town where the manufactory or corporation is established, on or before the twenty-fifth day of the same February, a true return, under oath, of the situation of the said corporation, as is required by the provisions of this chapter, as nearly as he can ascertain the same, or by filing in the said office a statement, under oath, that a majority of the directors, or other officers of such company, have been requested by him to make the return required, and that they have refused or neglected so to do, and that the stockholder is not able to make the required return; such statement so made by a stockholder and filed as aforesaid, shall be published in some daily paper printed in Providence, and, if said corporation is located with-

How stockholders may exempt themselves from such liability.

out the county of Providence, in a newspaper in the county where the corporation is located.

Debts not to exceed capital stock paid in; liability of directors for excess.

SEC. 14. The whole amount of the debts which any such corporation shall at any time owe shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors under whose administration it shall happen shall be jointly and severally liable, to the extent of such excess, for all the debts of the company then existing, and for all that shall be contracted, as long as they shall respectively continue in office, and until the debts shall be reduced to the amount of the capital stock of such company paid in.

How absent or objecting director may exempt himself from liability.

SEC. 15. Any director, who shall be absent at the time of contracting any debt contrary to the foregoing provisions, or who shall object thereto, may exempt himself from said liability, by forthwith giving notice of the fact to the stockholders, at a meeting which he may call for that purpose.

How manufacturing corporations heretofore appointed may adopt provisions of this chapter.

SEC. 16. If any manufacturing company heretofore incorporated, having a capital paid in of thirty thousand dollars, or upwards, shall, at any legal meeting called for that purpose, vote to adopt the provisions contained in this chapter; and shall also cause to be recorded, as provided in the second section of this chapter, a certificate, signed by the president, treasurer, clerk, and a majority of the directors, stating the amount of the capital actually paid in, and if any part thereof has been divided or withdrawn, stating also the amount of the debts and credits and an estimate of the value of the real and personal estate of said corporation, for the purpose of carrying on the business thereof, at the time of making such certificate; and if the said officers shall make oath that they have carefully examined the records and accounts of said corporation, and faithfully estimated the value of the property and the funds thereof, and that said certificate, by them signed is true, according to their best knowledge and belief; then no stockholder shall be liable for any of the debts of the said company, contracted after the recording of such certificate, except for the causes and in the manner hereinbefore provided.

Real and personal estate of manufacturing corporations liable for debts of.

SEC. 17. The real and personal estate of every manufacturing corporation incorporated under, or which shall vote to adopt the provisions of this chapter, shall be liable to be attached and taken, levied on and sold, for the debts and liabilities of the company, on any writ of attachment or execution issued against the company for such debt or liability, the writ to be a writ of attachment in common form, and the courts issuing executions against such corporations being authorized to conform their executions, so as to carry out the provisions of this section.

Liability of officers for making false certificate

SEC. 18. If any certificate made, or any public notice given, by the officers of any manufacturing company, in pursuance of the provisions of this chapter, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted whilst they were stockholders or officers thereof.

Of the remedy against officers liable for debts of company.

SEC. 19. Whenever any of the officers of any manufacturing company shall be liable, by the provisions of this chapter, to pay the debts of such company, or any part thereof, any person to whom they may be so liable may have an action on the case against any one or more of the said officers; and the declaration in such action shall state the claim against the company, and the ground on which the plaintiff expects to charge the defendant personally; and such action may be brought, notwithstanding the pendency of an action against

the company for the recovery of the same claim or demand; and both of the actions may be prosecuted, until the plaintiff shall obtain the payment of his debt, and the cost of both actions.

SEC. 20. Whenever the stockholders of any manufacturing company shall be liable, by the provisions of this chapter, to pay the debts of such company, or any part thereof, their persons and property may be taken therefor on any writ of attachment or execution, issued against the company for such debt, in the same manner as on writs and executions issued against them for their individual debts.

Of process against stockholders, and how served.

SEC. 21. The person to whom said officers or stockholders may render themselves liable as aforesaid may, instead of the proceedings aforementioned, have his remedy against said officers or stockholders by a bill in equity in the supreme court.

Of remedy by bill in equity.

SEC. 22. Any stockholder who shall, whether voluntarily or by compulsion, pay any debt of the company for which he is made liable by the provisions of this chapter, may recover the amount so paid, in an action on the case against the company; in which action the property of the company only shall be liable to be taken, and not the person or property of any stockholder of the company; or, the person who shall have so paid such debt of the company may proceed in the supreme court in equity, for contribution, against any one or more of the stockholders who were originally liable with him for the payment of said debt, and may recover against each of them their just and equitable proportion thereof.

Stockholders liable for contribution.

SEC. 23. Any officer of a manufacturing company who shall pay any debt of the company for which he is made liable by the provisions of this chapter, may recover the amount so paid in an action against the company for money paid for their use, in which action the property of the company only shall be liable to be taken, and not the person or property of the stockholder.

Remedy of officer who has paid debt of company.

SEC. 24. No persons holding stock in any manufacturing company, as executors, administrators, guardians, or trustees, and no person holding such stock as collateral security, shall be personally subject, by virtue of such stock, to any liabilities as stockholders of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executors, administrators, guardians, and trustees shall be liable in their hands, in like manner and to the same extent as the deceased testator or intestate, or the ward or person interested in such trust fund, would have been, if they had respectively been living and competent to act, and had held the same stock in their own names.

Who not liable for debts of company, by holding stock.

SEC. 25. Every such executor, administrator, guardian, and trustee shall represent the shares or stock in his hands at all meetings.

Executors, &c., to vote as stockholders.

SEC. 26. All manufacturing corporations hereafter created shall be subject to the provisions of this chapter.

Who affected by this chapter.

CHAPTER 143.

OF INSURANCE COMPANIES.

SECTION

1. State auditor *ex officio* insurance commissioner.
2. Powers and duties of.
3. Same subject. Power of supreme court over.
4. When supreme court or justice thereof may cite officers of insurance company to show cause why charter should not be forfeited.
5. Proceedings upon such citation, appointment of receiver, &c.
6. and 7. Powers and duties of receiver.
8. Final process against corporation stayed while injunction is in force.
9. Of the issuing of limited, &c., injunctions.
10. Supreme court may, for cause, declare charter forfeited.
11. Citation may contain temporary injunction, &c.
12. Penalty upon officers of insurance company, for not delivering to receiver books, papers, &c., thereof, under their control.
13. Receiver of a mutual insurance company, power of to make assessments to pay debts and close up business of the company.
14. Insurance companies, power of to make further assessments to fill up stock reduced by losses, &c.
15. When special meetings of stockholders may be called; what constitutes a quorum.

SECTION

16. Mutual fire insurance companies may refuse premium notes, when.
17. General treasurer authorized to receive from insurance companies securities required by laws of other states to be by them deposited.
18. Power of general treasurer and of depositing company, over such securities.
19. General treasurer to furnish such companies with certificates of such deposits, when desired.
20. Of the delivery up of such securities on the relinquishment of business by such company.
21. General treasurer, to make annual examination of condition of securities so deposited with him; proceedings in case of deficiency.
22. State not liable for value of securities so deposited.
23. Same charges, &c., to be imposed on foreign insurance companies doing business in this state, which are imposed on companies incorporated in this state, by such states.
24. Insurance companies to make annual statement of their condition, &c., to insurance commissioners.
25. Statements and returns required by this chapter; how to be made and what to contain.

State auditor insurance commissioner. Powers and duties of.

SECTION 1. The state auditor, by virtue of his office, shall be insurance commissioner.

SEC. 2. The insurance commissioner shall, whenever requested so to do by the governor, visit any insurance company incorporated in this state, and shall have free access to its vaults and all its books and papers, and shall, if he deems it expedient, thoroughly inspect and examine all the affairs of such company, and make all such inquiries as may, in his opinion, be necessary to ascertain the condition of such company, and its ability to fulfil all its engagements, and whether it has complied with the provisions of law applicable to its transactions.

Same subject.

SEC. 3. The insurance commissioner may summon and examine, under oath, all directors, officers, and other agents of such insurance company, and such other witnesses as he may think proper, in relation

to the affairs, transactions, and condition of the same; and any such director, officer, agent, or other person, who shall refuse, without justifiable cause, to appear and testify when thereunto required, as aforesaid, or who shall in any way obstruct said commissioner in the discharge of his duties, as prescribed in this chapter, shall, on conviction thereof, be fined not exceeding five thousand dollars, or be imprisoned for a term not exceeding two years; and in case the person so refusing or obstructing as aforesaid be a director, officer, or agent of such company, such company may also be proceeded against, as is hereinafter provided.

SEC. 4. The supreme court, when in actual session, or otherwise, any justice thereof, shall, upon complaint in writing from the insurance commissioner, under oath, setting forth that, in his opinion, any insurance company has forfeited its charter at law, or is so managing its concerns that the public, or those having funds in its custody, are in danger of being defrauded thereby, or has become insolvent, forthwith issue a citation to such company, directed to, and to be served upon the president, secretary, or treasurer thereof, by leaving an attested copy at the office of the company, or usual place of business, commanding such president, secretary, or treasurer personally to appear before said court or justice, on a day and in a place to be mentioned in the citation, then and there under oath to show cause, if any they have, why a writ of injunction should not issue enjoining such company from further exercising the powers and franchises conferred by its charter, and why said charter should not be forfeited.

Citation to officers of insurance company, to show cause why charter should not be forfeited, when and how to issue.

SEC. 5. If, upon the examination of the president, secretary, or treasurer, and of such other witnesses and evidence as may be introduced by the insurance commissioner and defendants, the court or justice shall be of opinion that the charter of such company is forfeited at law, or that such company is so managed as that the public, or those having funds in its custody, or who hold policies of insurance issued by it, are in danger of being defrauded thereby, or that such company has become insolvent, said court or justice shall issue an injunction to the president, secretary, or treasurer, and other officers of said corporation, enjoining them from proceeding further in transacting the business thereof, and shall appoint some discreet and proper person to be receiver of all the evidences of debt, goods, effects, and property of every description belonging to such corporation, and may, from time to time, require such receiver to give bond, with surety to the satisfaction of said court or justice, for the faithful execution of his trusts.

Proceedings upon such citation, &c.;

appointment of receiver, &c.

SEC. 6. The receiver may take such evidences and property into his possession, and shall collect the debts, dispose of the property, and pay out of the proceeds thereof, if the same shall be sufficient, all the debts of the corporation, first reserving to himself such reasonable compensation as shall be allowed by said court or any justice thereof for his services.

Powers and duties of receiver.

SEC. 7. The receiver shall be clothed with all the powers and rights in respect to the collection of debts due to such corporation, which the corporation possessed by virtue of its charter or otherwise, before such injunction issued; and may be removed by the supreme court when in actual session, or otherwise, by any justice thereof, and another be appointed by said court or justice in his stead; and the said court shall have the same power and authority over the receiver, his acts, proceedings, and accounts, as is exercised by courts of equity in like cases.

Power of, to collect debts.

Power of supreme court over.

Effect of injunction, &c.

SEC. 8. So long as any such injunction shall be in force against any corporation, all executions and other final process against such corporation for the collection of debts shall be stayed.

Temporary injunction; power of court to issue.

SEC. 9. The said court, when in actual session, or otherwise, any justice thereof, is also empowered to issue a limited or temporary injunction, staying proceedings in such particulars and for such length of time as in the opinion of the court, or justice, may be necessary for the safety of the public and the proper management of the affairs of the corporation, without proceeding to the appointment of a receiver.

When court may declare charter forfeited.

SEC. 10. The supreme court, at any term thereof, subsequent to issuing said injunction, shall, upon hearing of the parties to said complaint, if it sees cause, declare the charter of such corporation forfeited.

Citation to contain temporary injunction.

SEC. 11. Such citation, whether issued by said court or by a single justice, may also contain a temporary injunction on said corporation and all its officers, restraining them from proceeding in any business of such corporation, except under the direction of the supreme court, when in actual session, or otherwise, some justice thereof, which injunction, unless removed, shall continue until the complaint is finally disposed of.

Penalty on officers for refusal to deliver books, papers, &c., of insurance company to receiver.

SEC. 12. If the president, secretary, or treasurer, agent or servant of any insurance company, which shall be enjoined as before mentioned, or any other person upon being required thereto, shall neglect or refuse to deliver to the receiver or receivers of such corporation, who may be appointed by virtue of this chapter, such evidences of debt, goods, effects, books, papers, and other evidence of property of every description, belonging to such corporation, as may be in their possession or under their control, every person so offending shall be fined not exceeding ten thousand dollars, or be imprisoned not exceeding three years; or be both fined and imprisoned within the limits last aforesaid, at the discretion of the court.

Receiver of mutual insurance company, to make assessments to pay debts, &c.

SEC. 13. The receiver of any mutual insurance company shall, under decree of the supreme court, or some justice thereof for that purpose, make and assess, pursuant as far as may be to the provisions of the charter of the company of which he shall be receiver, such further assessments, in addition to those which may have been theretofore made by such company, as may be necessary for the payment of the debts of such corporation, with the incidental expenses of assessing and collecting such assessments, and the cost and expenses of closing up the business of such corporation, including such reasonable compensation of such receiver as may be allowed by said court or some justice thereof, and may demand, receive, sue for and collect the same; and for the purpose of such assessment and collection, such receiver shall have all the powers and rights in these respects which such corporation possessed by virtue of its charter, or otherwise.

Assessments to fill up stock reduced by losses, &c., when and how to be made.

SEC. 14. Whenever the capital stock of any insurance company shall be diminished by reason of losses or from any other cause, the stockholders of such company, at any legal meeting thereof called for the purpose, may (after making due allowance from the assets of the company of such amount as may be required to reinsure its outstanding risks) assess such further sum as may be necessary to fill up the capital stock to its original amount upon the several stockholders, in proportion to the amount of stock owned by each; and the stock of every stockholder shall be pledged and liable for such as-

assessment; and in case any stockholder refuses to pay any such assessment, the stock standing in the name of such delinquent stockholder may be sold at public auction, after thirty days' notice, in such manner as may be provided in the by-laws of such insurance company.

SEC. 15. The board of directors, or the president and secretary of any insurance company, may call special meetings of the stockholders of such company, whenever they may deem it expedient to do so, first giving thirty days' notice of the time, place, and purpose of such meeting, in some newspaper published in the county where such insurance company is established, or, if there be no newspaper in the county, then in some newspaper of an adjoining county; and at all such special meetings not less than two thirds of the shares shall be represented, either in person or by proxy, to constitute a quorum for doing business; and the stockholders of such insurance company, when so assembled, may act upon the business for which they were specially called together, and also upon such other business as might, by law, be transacted at any regular meeting of such company.

When special meetings of stockholders may be called;

what to constitute a quorum.

SEC. 16. Every mutual fire insurance company incorporated by the laws of this state may decline to take premium notes in part payment for insurance: *Provided*, there be inserted in the body of the policy issued a provision making the assured, his or their executors, administrators, or assigns, liable to such assessments as may be provided in such policy, and as shall become necessary in order to pay all losses and expenses, not exceeding twenty times the amount of the cash premium paid.

Premium notes, when may be refused by mutual fire insurance companies.

SEC. 17. In all cases in which the laws of any of the United States, other than this state, now require, and may hereafter require, that the insurance companies incorporated by the laws of other states shall deposit with some officer of the state, in which such insurance company is incorporated, stocks or other securities, in trust or for the benefit of policy holders of such companies, as a prerequisite to such companies transacting business in such other state, the general treasurer of this state is hereby authorized to receive from any insurance company incorporated under the laws of this state, stocks or other securities, in such amount as may be required by the laws of such other state or states, on deposit and in trust for the benefit of the policy holders of such company.

General treasurer, power of to receive securities from insurance companies.

SEC. 18. The general treasurer shall hold such stocks or securities so deposited, as security for policy holders in said company, but any company so depositing may be permitted to receive and to collect the interest and dividends on its securities so deposited, and from time to time to withdraw such securities, on depositing with the said general treasurer other securities of the same character, the market value of which, at the time of such deposit, shall equal or exceed the amount required to be deposited.

Power of general treasurer and of depositing company over such securities.

SEC. 19. Whenever any insurance company shall have deposited the requisite stocks or other securities, in conformity with the laws of the state or states in which such company is desirous of transacting business, the general treasurer shall furnish such company, at its expense, a certificate under seal of such deposit, for each state which shall require the same, which certificate shall embrace the items of security, and the amount of each thus deposited, and shall state that he, said general treasurer, is satisfied that such stocks are of the market value represented; but no stock or other securities so deposited, shall be withdrawn except as provided in the preceding section.

General treasurer to furnish depositing company with certificate of deposit, when desired.

SEC. 20. Whenever any insurance company which shall have so

Of the delivery up thereof when company relinquishes business.

deposited stocks or other securities with the general treasurer of the state shall desire to relinquish its business, the general treasurer shall, on application of such company, under the oath of the president or principal officer, and secretary, give notice of such intentions, in two newspapers published in this state, to be inserted at least twice a week, for six months; and, after such publication, the general treasurer, on being satisfied by an examination of the books, and of the officers of such company under oath, that all its debts and liabilities are paid or extinguished upon any contract or agreement, shall deliver up to the company from whom he received the same the stocks or other securities held by him belonging to such company.

Securities to be examined annually, &c.;

SEC. 21. Whenever it shall become necessary, on application of any company, for the general treasurer, or any person appointed by him, to examine into and ascertain the value and condition of any stocks or other securities deposited with him by any insurance company, the expenses of such examination shall be borne by the company so applying, and the said general treasurer shall be allowed to charge for his time and expense, or for the time and expense of the person he shall appoint to make such examination; such examination shall be made annually by the general treasurer, and in case it shall appear at any time that the stocks or other securities so deposited amount to less than the sum required for the purposes for which such deposit has been made, the general treasurer shall notify the company, and, unless the deficiency is made up within thirty days, the said general treasurer shall countermand all the certificates he may have issued, and notify the treasurer, comptroller, or other financial officer of such states as he may have transmitted his certificate to, and shall, as soon as may be, publish his doings in one newspaper printed in the city of Providence, for three weeks.

proceedings in case of deficiency.

State not liable for value of such securities.

SEC. 22. Nothing in this chapter shall be construed as rendering this state liable for the value of any stock or other securities, deposited by any insurance company according to the provisions herein contained.

Charges, &c., on foreign insurance companies, when and what to be made.

SEC. 23. Whenever by the laws of any other state of the United States any charges, taxes, fines, penalties, deposits of money, or of securities, or other obligations, or prohibitions, are imposed upon insurance companies incorporated or organized under the laws of this state, or upon the agents of such insurance companies; so long as such laws continue in force, the same charges, taxes, fines, penalties, deposits, and obligations shall be imposed upon all insurance companies doing business in this state, which are incorporated or organized under the laws of such other state, and upon their agents.

Of the annual statement to be made to insurance commissioner.

SEC. 24. Every insurance company doing business in this state shall transmit to the insurance commissioner a statement of its condition and business for the year ending on the preceding thirty-first day of December, which statement shall be rendered on the first day of January following, or within thirty days thereafter, by fire insurance companies, or within sixty days thereafter by marine and life insurance companies, except that foreign insurance companies shall transmit their statement of business other than that done in the United States, prior to the following first day of July; and the insurance commissioner shall present transcripts thereof to the general assembly with his report.

Statements and returns required by this chapter, what to contain, &c.

SEC. 25. The statements and returns required to be made and published pursuant to the provisions of this chapter shall, so far as the same may be applicable, be made and published of and concerning

each class in any company authorized to take risks in separate classes ; and, in case of mutual insurance companies, the form of such statements and returns may be varied by the insurance commissioner, so as to ascertain more correctly the condition of such companies.

CHAPTER 144.

OF FOREIGN INSURANCE COMPANIES.

SECTION

1. Foreign insurance companies not to insure property in this state until they comply with provisions of this chapter.
2. Shall appoint some citizen of this state attorney to accept service of process.
3. Copy of power to be filed with insurance commissioner.
4. Of new appointments.
5. Service of process, how made.
6. Capital of one hundred thousand dollars required for insurance in this state by foreign insurance company.
7. Who to be deemed an agent of foreign insurance company.
8. Agent shall deposit charter, &c., with insurance commissioner before making contract of insurance.
9. Shall also deposit statement of affairs of company; what the statement shall contain.
10. Same subject.
11. Statement to be published.
12. What required of foreign insurance company to establish agencies.

SECTION

13. Of the sign of such agent, and what shall be printed in policies.
14. Penalty on agent for effecting contract of insurance without complying with provisions of this chapter.
15. Penalty on company for neglecting to appoint attorney when notified.
16. Penalty upon person acting as agent without complying with provisions of this chapter.
17. Of the annual examination of returns, &c., by the insurance commissioner.
18. Penalty upon agent for refusing to answer interrogatories.
19. Commissioner to prepare abstract of returns.
20. Agents of foreign insurance companies not to establish branch agency.
21. When commissioner may visit foreign insurance companies.
22. Religious, literary, and charitable corporations, exempted from provisions of this and preceding chapter.

SECTION 1. No insurance company, unless incorporated by the general assembly, shall make any insurance on property within this state, nor contract for insurance with any party resident therein, until such insurance company shall have complied with the provisions of this chapter.

Foreign insurance companies, duty of before insuring.

SEC. 2. Every insurance company, not incorporated under the authority of this state, before contracting to insure property within the state, shall appoint by a written power some citizen of this state, resident therein, their attorney, with authority to accept service of all lawful process against such company in this state, and upon whom all lawful process, including the process of garnishment against such company in this state, may be served, whose duty it shall be, in case of garnishment, when his lawful fees therefor shall have been paid or tendered, to make the affidavit required by law in such cases, and to

To appoint some citizen of this state attorney to accept service of process.

cause an appearance to be entered in like manner as if such company had existed and been duly served with process within this state.

Copy of power to be filed with insurance commissioner.

SEC. 3. A copy of such power of attorney, duly certified and authenticated, shall be filed with the insurance commissioner, and copies thereof, duly certified, shall be received in evidence in all courts of this state.

Of new appointments.

SEC. 4. If such attorney shall die, or resign, or be removed, it shall be the duty of such company to make a new appointment as aforesaid, and file a copy with the said insurance commissioner as above prescribed, so that at all times, and while any liability remains outstanding on such insurance, there shall be within this state an attorney authorized to accept service of process and to enter an appearance as aforesaid; and no such power of attorney shall be revoked until after a like power shall have been given to some other competent person, and a copy thereof filed as aforesaid.

Service of process, how made.

SEC. 5. Service of process upon such attorney shall be deemed sufficient service upon his principals.

Capital of one hundred thousand dollars required for insurance in this state by foreign insurance company.

SEC. 6. No person shall act within this state as agent or otherwise, in procuring or securing applications for insurance, upon the life, health, or safety of any person, or in any manner aid in transacting the business of such life, health, or safety insurance, for any company or association incorporated by, or organized, under the laws of any other state or government, unless such company is possessed of one hundred thousand dollars capital, and the same is invested in stocks created by the laws of the United States, or by or under the laws of the state in which such company is located, or in other good and safe stocks or securities, the market value of which, at the time of such deposit, shall be at or above par, which investments are deposited with the auditor, comptroller, or chief financial officer of the state, by whose laws such company is incorporated, and the general treasurer of this state is furnished with the certificate of such auditor, comptroller, or chief financial officer aforesaid, under his hand and official seal, that he, as such auditor, comptroller, or chief financial officer of such state, holds in trust and on deposit, for the benefit of all policy holders of such company, the security before mentioned, which certificate shall embrace the items of security so held, and shall state that he is satisfied that such securities are worth one hundred thousand dollars.

Who to be deemed an agent of foreign insurance company.

SEC. 7. Every person who shall so far represent any insurance company, established in any other state or country, as to receive or transmit proposals for insurance, or to receive for delivery policies founded on proposals forwarded from this state, or otherwise to procure insurance to be effected by such company for persons residing in this state, shall be deemed and taken to be acting as agent for, and undertaking to make insurance as agent for and in behalf of such company, and shall be subject to the restrictions, and liable to the penalties, herein made applicable to agents of such companies.

Copy of charter to be deposited with insurance commissioner by agent.

SEC. 8. Every such agent, before making any such contract of insurance as aforesaid, shall deposit with the insurance commissioner of this state a copy of the charter of the company or corporation for which he is agent as aforesaid, and a copy of the power of attorney given to him by such company, and shall pay to the insurance commissioner five dollars, for the use of the state.

Statement of affairs of company to be de-

SEC. 9. Every such agent shall also, before making any contract of insurance as aforesaid, deposit with the insurance commissioner of this state a statement, signed and sworn to by the president and sec-

retary of the company for which he acts, specifying if such company is either a fire, marine, or fire and marine, life, health, accident, or other insurance company, stating the amount of its capital, and the manner of its investment, designating the amount invested respectively in mortgages, in public securities, in the stock of incorporated companies (stating what companies), and also the amount invested in other securities, particularizing each item of investment; the amount of marine risks not terminated, and the premium paid thereon; the amount of fire risks not terminated, and the premium paid thereon; the amount of liabilities, specifying therein the amount of outstanding claims, adjusted or unadjusted, due or not due; and in case said company is incorporated upon the mutual principle, such statement shall set forth, in addition to the foregoing, the whole amount of risks insured by the same; the whole amount of premium thereon; what portion of it has been paid in cash; what security has been taken for the remainder; and what is the largest sum insured in any one risk; and the statement herein required to be made, so far as the same is applicable, shall be made of each class in companies authorized to take risks in classes, and in all cases the returns may be varied by the commissioner, to obtain more definite information of such company.

posited; what such statement shall contain.

SEC. 10. If the company for which such agent acts is either a life insurance company, health insurance company, or live-stock or other insurance company, such agent shall also, before making any contract of insurance as aforesaid, deposit with the insurance commissioner a statement signed and sworn to by the president and secretary of the company for which he acts, specifying the amount of its capital and all its assets, and the manner of its investment, designating the amount invested respectively in mortgages, in public securities, in stock of incorporated companies (stating what companies), and also the amount invested in other securities, particularizing each item of investment; the amount insured by existing policies, the amount of liabilities, specifying therein the amount of outstanding claims, adjusted or unadjusted, due or not due, and the largest sum insured in any one risk.

Same subject.

SEC. 11. Such agent shall publish said statement, for the space of three weeks, in some newspaper printed in the county wherein he transacts the business of his agency; and shall also deposit with the insurance commissioner a similar statement of the capital of the company and the investments and risks and premiums as aforesaid, to be made up to the thirty-first day of December, annually, signed and sworn to as before directed, and he shall cause said statement to be published in some newspaper printed in the county in which he has his place of business, for six weeks successively next after the return of said statement to the insurance commissioner as aforesaid.

Statement to be published.

SEC. 12. No person shall be allowed to act as agent as aforesaid for any such insurance company in making any contract of insurance with any person in this state, unless the capital stock of the company for which he acts amounts to the sum of one hundred thousand dollars, actually paid in in money and invested, exclusively of any obligations of the stockholders of any description; nor unless such company shall be restricted, by its charter or otherwise, so that it cannot lawfully incur in any one risk a greater hazard than one tenth part of the amount of its capital.

What required of foreign insurance company to establish agency.

SEC. 13. Every such agent shall exhibit, in conspicuous letters, on the sign designating his place of business, the name of the state under whose authority the company he represents has been incorporated; and such company and agent shall have printed in large type

Of the sign of such agent, and what shall be printed in policies.

the name of such state, upon all policies issued to citizens of this state, on all cards, placards, and pamphlets, and in all advertisements published, issued, or circulated in this state by them or him, relating to the business of such company.

Penalty on agent effecting insurance without complying with provisions of this chapter.

SEC. 14. If any such insurance company shall make insurance without complying with the provisions of this chapter, the contract shall be valid; but any agent of such company acting within this state, respecting the effecting of any policy of insurance, shall be fined not exceeding one thousand dollars, nor less than three hundred dollars; and all persons shall be deemed agents of such company, and acting as such, respecting the effecting a policy of insurance within the meaning of this section, who are agents and do acts within the terms of the seventh section hereof.

Penalty on company not appointing attorney when notified.

SEC. 15. In case any insurance company, when thereto notified by the insurance commissioner, shall neglect to appoint an attorney, as is hereinbefore provided, such company shall not be entitled to recover any premium or assessment made by them on any contract of insurance with any citizen of this state, until such company shall have complied with the law requiring the appointment of such attorney.

Requisites for acting as agent, and penalty for acting without complying therewith.

SEC. 16. No person shall be allowed to act as agent of any such insurance company, until such company and such agent shall have complied with all the requirements of the laws of this state relating to such companies and their agents, and every person so acting without such compliance shall be fined one thousand dollars.

Of the annual examination of returns, &c., by the insurance commissioner.

SEC. 17. The insurance commissioner shall annually examine the statements and returns required to be made by the companies and agents as aforesaid; and if, in his opinion, any return shall be obscure, defective, or unsatisfactory, he shall immediately require answers under oath, from the agent by whom such obscure, defective, or unsatisfactory return shall have been made, to such interrogatories as he may deem necessary or proper to be answered, in order to explain such return, and exhibit a full and accurate view of the business and resources of the company represented by such agent.

Penalty upon agent refusing to answer interrogatories.

SEC. 18. Every agent refusing or neglecting to answer such interrogatories for the space of thirty days shall be deemed not to have complied with the provisions of the laws of this state; and if he continue to act as agent aforesaid, shall be liable to the penalty prescribed in the sixteenth section hereof.

Commissioner to prepare abstract of returns.

SEC. 19. The insurance commissioner shall prepare an abstract of the statements and returns made by such companies and their agents, which abstract shall be printed and laid before the general assembly in each year.

Branch agency, prohibited, &c.

SEC. 20. No agent of any foreign insurance company doing business in any town in this state shall be allowed to establish any branch agency in any other town in the state.

Commissioner, when to visit foreign companies, &c.

SEC. 21. The insurance commissioner may, when he shall deem it important for the safety of the policy holders, visit foreign insurance companies doing business in this state, and examine the condition of such companies; and such companies so visited shall pay to said commissioner his expenses of such visit and examination.

What corporations not affected by this or preceding chapter.

SEC. 22. The provisions of this and the preceding chapter are not intended to apply to or affect corporations for religious, literary, or charitable purposes.

CHAPTER 145.

OF RAILROAD CORPORATIONS.

SECTION

1. Railroad commissioner; how appointed and term of office.
2. Railroad corporation to furnish reasonable accommodations for transportation of passengers and merchandise.
3. Supervision over management of roads, by whom maintained.
4. Bell to be placed on engine; when to be rung; stationary bell, when.
5. Of sign boards at crossings; inscription thereon.
6. Penalty and liability for neglecting to comply with the above requisitions.
7. Speed of locomotives at crossings.
8. Penalty for violating provision regulating speed.
9. Passenger cars not to be placed between engine and cars loaded with dirt, &c.
10. Penalty.
11. Railroad corporation to give notice of accident, to railroad commissioner.
12. Not to abandon station, except, &c.
13. No charge to be made for transshipment of merchandise on continuous lines.
14. Railroad corporations liable as common carriers.
15. Counsel fees to be recovered in certain cases.

SECTION

16. Railroad companies to keep accounts of tolls, &c.
17. Stockholders entitled to inspect books.
18. Railroad built without charter or license a public nuisance.
19. Remedy by bill in equity against such railroad.
20. Duties of railroad commissioner.
21. Duty in case of accidents on railroads.
22. Powers of railroad commissioner.
23. Railroad commissioner to make report to general assembly.
24. No person to be ejected from cars for non-payment of fare, except at a regular station; penalty.
25. Town councils may apply to railroad corporations to raise or lower highways crossed by railroad at a level therewith.
26. Of appeal to railroad commissioner, and power to require it to be so raised or lowered.
27. Railroad corporations to place flagmen at railroad crossing, when required by town councils.
28. Penalty for neglect, &c., so to do.
29. Railroad corporations to report in January of each year to the railroad commissioner.
30. Trustees to make such report when railroad corporation is in their hands.

SECTION 1. The governor shall appoint one railroad commissioner, to hold office for the term of one year.

SEC. 2. Every railroad corporation doing business, or owning any railroad, wholly or in part within the limits of this state, shall furnish reasonable and proper facilities and accommodations on the line of its road, within its limits, for the transportation of passengers and merchandise.

SEC. 3. The president and directors of such corporation shall maintain by themselves, or by an executive committee of the directors, a watchful supervision over the management of their road.

SEC. 4. Every railroad corporation shall cause a bell, of at least thirty-two pounds in weight, to be placed on each locomotive engine passing upon its road; and the said bell shall be rung at a distance of at least eighty rods from the place where such railroad crosses any turnpike, highway, or public way, upon the same level with the rail-

Commissioner, how appointed and term of office; railroad corporations to furnish reasonable facilities, &c.

Supervision of road, how to be maintained.

Bell to be placed on engine; when to be rung.

Stationary bell, when, &c.

road, and shall be kept ringing until the engine has crossed such turnpike or road. No car or carriage for the transportation of passengers or freight over any railroad in this state shall be propelled across any highway, after the locomotive has been detached therefrom, without a stationary bell or whistle being rung at said crossing, during the whole time the train is crossing such highway.

Of sign boards at crossings; inscription thereon.

SEC. 5. Every railroad corporation shall cause boards to be placed, well supported by posts or otherwise, and to be maintained, across each turnpike, highway, or public way, where it is crossed by the railroad upon the same level therewith, the said posts and boards to be of such height as shall be easily seen by travellers, without obstructing the travel; and on each side of said boards the following inscription shall be painted in capital letters, of at least the size of nine inches each, "Railroad Crossing — Look out for the engine while the bell rings."

Penalty and liability for not complying with preceding sections.

SEC. 6. Every railroad corporation which shall unreasonably neglect or refuse to comply with the requisitions contained in the two sections next preceding, shall forfeit for every such neglect or refusal, not exceeding one thousand dollars; and such corporation shall be liable for all damages sustained by any person, by reason of such neglect or refusal on the part of the corporation.

Speed of locomotives at crossings.

SEC. 7. Every person driving a locomotive, when approaching any crossing or junction of any two railroads, the rails of one of which cross or connect with the rails of the other at grade, or when approaching any drawbridge now in use as such, shall stop said locomotive at some point within the distance of five hundred feet of such crossing or junction, and before reaching the same, and shall not drive said locomotive over such junction or crossing, after starting, at a greater rate of speed than six miles per hour: *Provided*, however, that the railroad commissioner may grant unto any railroad corporation the privilege of crossing such junction without stopping, whenever he may think the same can be done consistent with the public safety.

Penalty for violating provisions of last section.

SEC. 8. Every person violating the provisions of the next preceding section shall be fined one hundred dollars, and the railroad corporation in whose employment or upon whose railroad such person shall be, at the time of committing such offence, shall be fined three hundred dollars.

Passenger cars, how to be placed, &c.

SEC. 9. No car or carriage for the transportation of passengers over any railroad in this state shall be propelled on the railroad when placed between the locomotive and cars loaded with dirt or stone.

Penalty.

SEC. 10. Every railroad corporation upon whose railroad, cars, or carriages for the transportation of passengers, so placed, shall be propelled, shall be fined five hundred dollars, one half thereof to the use of the complainant, and the other half thereof to the use of the state.

Notice of accident to be given to railroad commissioner.

SEC. 11. Every railroad corporation shall, within twenty-four hours after the occurrence of any accident attended with serious personal injury, give notice in writing of the same to the railroad commissioner, and every corporation wilfully neglecting or wilfully omitting to give the notice aforesaid, shall be fined one hundred dollars for every day that such neglect or omission shall continue.

Not to abandon station except, &c.

SEC. 12. No railroad corporation shall abandon any station which is on its road, and in this state, after the same has been established for twelve months, except by act of the general assembly; but such

corporation may establish stations to be used only during such months of each year, and for such trains, as they may designate, by notice put and kept up in some conspicuous place at the station so established, specifying the months during which the said station will be used.

SEC. 13. Whenever merchandise is transported over any portion of two roads which form a connecting line, and the tracks of which so unite that cars can pass from one to the other, no charge shall be made for the loading or unloading, or for the carriage of the said merchandise, from the cars of one of said railroads to the cars of the other.

Not to charge for transshipments of merchandise on continuous lines.

SEC. 14. Every railroad company whose business it is to receive articles for transportation shall be entitled to the same rights, and be subject to the same liabilities, as common carriers; and whenever two or more railroads are connected together within this state, any company running either of said roads shall receive articles for transportation to any place on the line of either of said roads so connected, and shall be liable as common carriers for the delivery of such articles, at such place. In case any such company shall become liable to pay any sum by reason of the neglect or misconduct of any other company or companies, the company paying such sum may collect the same of the company or companies by reason of whose neglect or misconduct it became so liable.

Railroad corporations liable as common carriers.

SEC. 15. If any person having lawful claims upon any railroad corporation for overcharge for freight or passage, or for injury or loss of merchandise, or for damage by unlawful or unwarrantable delay in the transportation or delivery of the same, or for injury to the person, or for the refusal to transport or deliver persons or property, shall give written notice of the same, addressed to the president or treasurer, or master of transportation of said road, and delivered to either of said officers, or to any agent having charge of any depot of said corporation, fourteen days previous to commencing suit for the same, and the corporation neglect or refuse to pay the said lawful claim, then the complainant, if he recover more than the amount (if any) tendered by said corporation, shall also recover reasonable compensation for his counsel's services, to be allowed by the court in addition to the actual damage; and if a less amount shall be recovered, then a reasonable allowance shall be made by the court for the services of the counsel of the corporation, to be taxed in addition to, and to be allowed with, the defendant's costs of defence, as now taxed and allowed by law.

Counsel fees to be recovered in certain cases.

SEC. 16. Every railroad corporation shall keep an account of the toll, freight, and passage money actually received at their depots and offices of receipt, and keep the same at all times in readiness for the examination of the general assembly or the railroad commissioner, or any committee that may be appointed by said assembly.

Accounts of tolls, &c., to be kept.

SEC. 17. Every stockholder of any railroad corporation, incorporated within this state, shall be entitled, at all reasonable times, to examine the books, papers, and accounts of the corporation in which he is a stockholder; and if any clerk or other officer of any railroad corporation, having the custody of the books, papers, and accounts of said corporation, shall refuse to permit any stockholder in such corporation to inspect the books, papers, and accounts thereof, the person so offending shall forfeit one hundred dollars.

Stockholders entitled to inspect books;

penalty for not permitting, &c.

SEC. 18. Every railroad, or portion of a railroad, built in this state for public use, by itself or in connection with any other railroad,

Railroad built without char-

ter, &c., a public nuisance.

Remedy by bill in equity against such railroad.

Duties of railroad commissioner.

Duty in case of accident.

Powers of.

Report of, to general assembly.

Of ejection for non-payment of fare.

Town councils may apply to railroad corporation to raise or lower highways crossed at grade. Proceedings in case of refusal.

Of appeal to commissioner, and proceedings thereon.

without charter or license from the general assembly first had and obtained, is declared to be a public nuisance,

SEC. 19. In addition to the remedy by indictment for such nuisance, the attorney-general shall, for the purpose of abating any such nuisance, file on the part of the state in the supreme court a bill in equity against any person or corporation who may build any such railroad or portion of a railroad, and said court shall take jurisdiction of, hear, determine, decree, and proceed thereon, according to the course of equity in cases of private nuisance.

SEC. 20. The railroad commissioner shall, whenever he shall deem it expedient, personally examine into the transactions and proceedings of any railroad corporation authorized and established in this state, and report to the general assembly from time to time, whether such facilities and accommodations as are required by the second section of this chapter are furnished, and into all the other acts and doings of any such corporation, whereby the rights and privileges of this state, or of any of its citizens, may be affected.

SEC. 21. The railroad commissioner shall, upon receiving notice from any railroad corporation of any accident on said railroad, or upon public rumor of such accident, repair to the scene of such accident, and inquire into the facts and circumstances thereof; and the said commissioner shall, without charge, furnish any person injured, or the friends of any person killed, any information he may have acquired in relation to any disaster, and the names of persons from whom the same was obtained, and by whom the same may be proved.

SEC. 22. The railroad commissioner, in the discharge of his duty under this chapter, may, whenever he shall deem it proper, send for persons and papers, and examine witnesses under oath, which oath the commissioner may administer, and he may issue all necessary and proper process for the purpose aforesaid.

SEC. 23. The railroad commissioner shall, as often as twice every year, and oftener if he deem it necessary, report to the general assembly the state, the condition and proceedings of the several railroad corporations, so far as the public interests may require the same.

SEC. 24. No person shall be ejected from the cars on any railroad, for non-payment of fare, except at some regular station on said road, said cars being stopped; and every person violating the provisions of this section shall be fined one hundred dollars.

SEC. 25. If the town council of any town, wherein a turnpike or highway crossed by a railroad on a level therewith is situated, are of the opinion that it is necessary, for the security of the public, that the turnpike or way should be raised or lowered so as to pass over or under the railroad, they may, in writing, request the corporation owning the railroad so to raise or lower such turnpike or way. If the corporation neglects or refuses so to do, the town council may apply to the railroad commissioner to decide upon the reasonableness of the request.

SEC. 26. If the railroad commissioner, after due notice and hearing the parties, decide that such lowering or raising of grade is necessary for the security of the public, the corporation shall comply with the decision, and pay the costs of the application. If the commissioner shall decide that the alteration requested is not necessary, the town shall pay such costs. If the corporation unreasonably neglects or refuses to carry into effect the decision of the commissioner, the town council may proceed to do it, and may, in an action against the corporation, recover all charges and expenses occasioned by making the alteration.

SEC. 27. Every railroad corporation, or trustees of such corporation, who operate railroads within this state, shall cause flagmen to be placed where railroads cross public highways, whenever, in the opinion of town councils, it is deemed necessary for the safety of the public.

Flagmen, when required at crossings.

SEC. 28. Every railroad company which shall refuse or neglect to comply with the order of a town council to establish a flagman at any crossing in the town shall for every day's neglect, after seven days from the date of the service of the order of the town council upon the president, treasurer, or any director of said company to that effect, forfeit the sum of five hundred dollars, one half to the use of the state and the other half to the use of the town.

Penalty for neglect, &c., to place flagmen when required.

SEC. 29. Every railroad corporation shall make a report as early as practicable in the month of January of each year, to the railroad commissioner, embracing such facts in relation to such corporation as the said commissioner shall require, and such facts in addition thereto as such railroad corporation may deem expedient.

Of report of railroad corporations.

SEC. 30. Whenever any railroad corporation, the charter whereof requires the directors to make an annual report to the general assembly, shall have passed into the hands of trustees, such trustees, instead of the directors, shall make such report, while the road remains in their hands, which report shall be approved by the state commissioners appointed by the governor, in like manner as if it had been made by the directors of such corporation.

Trustees to make report, when.

CHAPTER 146.

OF TURNPIKE AND TOLL-BRIDGE CORPORATIONS.

SECTION

1. Lands, how to be held by bridge and turnpike corporations.
2. Provision in case bridges and turnpikes are not kept in repair.
3. Accounts to be kept of tolls received.
4. Penalty for exacting more than legal toll.

SECTION

5. Turnpike and toll-bridge corporations may transfer same to towns through which they pass, for a public highway.
6. Effect of such transfer.
7. Town council to give notice before accepting such transfer; how and to whom notice to be given.

SECTION 1. No turnpike corporation or bridge corporation shall be capable in law to hold any land in this state in fee, or for life or lives, or for a term of years, or by any other title or tenure, for any other use, than such as is provided in the charter of such corporation; but nothing herein contained shall be construed to affect any title already acquired by any such corporation, in conformity to power contained in its charter.

Lands, how held by bridge and turnpike corporations.

SEC. 2. If at any time any turnpike-road or toll-bridge shall not be in suitable and proper repair, any justice of the supreme court, upon complaint to him made for that purpose, may cause the gate or gates on said road or bridge to be opened and remain open until, in the opinion of said justice, the said road or bridge shall be put in proper and suitable repair; and the cost of such complaint shall be paid by the company owning said road or bridge, if, in the opinion of

Provision in case bridges and turnpikes are not kept in repair.

the said justice, the same shall be well founded; otherwise by the complainant.

Accounts of tolls to be kept.

SEC. 3. Every turnpike-road and toll-bridge corporation shall keep an accurate account of the toll actually received at its gate or gates, and have such account at all times in readiness for the examination of the general assembly.

Penalty for exacting more than legal toll.

SEC. 4. The keeper of every toll-gate on any turnpike-road or toll-bridge, who shall hereafter demand and receive any greater toll for passing through the gate whereof he is keeper than is by law allowed, shall forfeit to the use of the complainant, for the first offence not less than two dollars, nor more than five dollars; and for each and every subsequent offence, twenty dollars.

Of transfer by such corporations to towns for public highway.

SEC. 5. Every turnpike corporation or toll-bridge corporation shall have power and authority to transfer and convey, for a public highway, to any town in or through which the turnpike-road or toll-bridge, or any part thereof, of such corporation passes, all the right, title, and interest of such corporation in and to such turnpike-road or toll-bridge, within such town, and to the franchise thereof, upon such terms as may be agreed upon by the corporation and the town council of such town; and any compensation or damages to be paid therefor to such corporation by such town shall be paid out of the town treasury of such town; and the amount so received by any such corporation shall be first applied to the payment of any debts of such corporation.

Effect of such transfer.

SEC. 6. Whenever a transfer and conveyance of any turnpike-road or toll-bridge, or any part thereof, shall be made as aforesaid, the rights, privileges, duties, and obligations of such corporation, so far as they relate to the part of the road or toll-bridge conveyed, shall cease; and from thenceforth said road or toll-bridge, or any part thereof, as aforesaid, shall and may be established and used as a public highway of such town, with all the rights and privileges, duties and obligations, appertaining to highways therein.

Notice to be given before accepting such transfer; how and to whom given.

SEC. 7. The town council shall cause notice to be given to all known parties owning land through which such turnpike-road or toll-bridge passes in said town, to appear before them, if they shall see cause, and be heard for or against accepting the conveyance of such turnpike-road or toll-bridge for a public highway by the town; personal notice shall be given to parties residing in said town, and notice to parties residing out of the town, or without the state, shall be given in such manner as said town council shall direct; but notice may be dispensed with to the owners of said land, who shall signify in writing their assent and approval of such conveyance.

CHAPTER 147.

OF VOLUNTARY ASSOCIATIONS.

SECTION

1. For what purposes certain corporations may be formed.
2. How such corporations shall be formed.

SECTION

3. How the first meeting shall be held, &c.
4. Corporate name may be adopted.

SECTION

- 5. Notice of formation of corporation to be given, how.
- 6. What property such corporation may hold, &c.

SECTION

- 7. Powers and liabilities of such corporation.

SECTION 1. Any five or more persons may associate themselves together and become a corporation, for either of the following purposes:—

For what purposes may be formed.

First. To establish and maintain literary and scientific associations.

Second. To promote knowledge and skill among the members by the establishment of a library, lyceum, musical, agricultural, literary, or scientific association.

Third. To organize fire-engine companies.

SEC. 2. Every such association shall be formed by written articles, specifying the object of the association, and the conditions on which it is formed and subscribed by each member thereof.

How formed.

SEC. 3. The first meeting shall be notified, organized, and holden in the manner prescribed in the articles of association.

First meeting of.

SEC. 4. Any such association may adopt a corporate name, either in the original articles or by vote at the first meeting thereof.

Corporate name.

SEC. 5. Every such corporation shall give public notice of its formation, name, and object, by publishing such notice three weeks successively, in some newspaper printed in the county in which such association is formed; or, if no newspaper is published in such county, then in some adjoining county; and by causing its articles of association and any alteration thereof, to be recorded in the town clerk's office of the town where such association is formed.

Notice of formation, how given.

SEC. 6. Any such corporation may take, hold, transmit, and convey real and personal estate, to any amount not exceeding ten thousand dollars, in addition to the value of its building, and the lot whereon it stands, and of its books, maps, pictures, and library furniture.

What property such corporation may hold.

SEC. 7. Whenever such corporation shall be organized, it shall have all the powers and privileges, and be subject to all the duties and liabilities, of a corporation organized according to the provisions of the one hundred and thirty-ninth chapter, so far as the said provisions shall be applicable in such case, and not inconsistent with this chapter.

Powers and liabilities of.

CHAPTER 148.

OF PROPRIETORS OF COMMON AND UNDIVIDED LANDS.

SECTION 1. Powers of proprietors of common and undivided lands.

WHEREAS, there is still remaining within several of the towns of this state lands belonging to the original proprietors thereof, lying common or undivided, for the better government of said proprietors, the management of their prudential affairs, the more just and equal division of said lands, and the allotments thereof, and the preservation of the boundaries of the same:—

Preamble.

SECTION 1. It shall be lawful for the proprietors of the several

Powers of proprietors of com-

mon and undi-
vided lands.

towns within this state, being convened by warrant specifying the occasion thereof, under the hand and seal of a justice of the peace of said town, to choose a clerk, and a surveyor or surveyors, and such other officers, as they shall judge necessary for the orderly carrying on and management of their affairs, and in like manner to proceed from time to time as shall be necessary.

TITLE XX.

OF THE DOMESTIC RELATIONS.

CHAPTER 149. Of marriage.

CHAPTER 150. Of the adoption of children.

CHAPTER 151. Of husband and wife.

CHAPTER 152. Of the property of married women, and of the disposition of the same.

CHAPTER 153. Of divorce.

CHAPTER 154. Of guardian and ward.

CHAPTER 155. Of masters, apprentices, and of factory and other laborers.

CHAPTER 149.

OF MARRIAGE.

SECTION

1. What kindred a man cannot marry.
2. What kindred a woman cannot marry.
3. Marriage within prohibited degrees, void.
4. Exception in favor of Jews.
5. Marriage of married person, idiot, or lunatic, void.
6. Marriage between a white, Indian, negro, or mulatto, void.
- 7 and 8. Who may join in marriage.
9. Certificate required from parties previous to marriage.

SECTION

10. Right to object to marriage.
11. Penalty for joining in marriage without certificate, or after objection.
12. Penalty for joining in marriage one already married.
13. Penalty for being married contrary to directions of this chapter.
14. Witnesses to marriage, how many.
- 15 and 16. Of marriages of Quakers and Jews, and of certificate required in case of, and of penalty for not delivering same.

What kindred
a man cannot
marry.

SECTION 1. No man shall marry his mother, grandmother, daughter, son's daughter, daughter's daughter, stepmother, grandfather's wife, son's wife, son's son's wife, daughter's son's wife, wife's mother, wife's grandmother, wife's daughter, wife's son's daughter, wife's daughter's daughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister.

SEC. 2. No woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather, grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's daughter's son, brother, brother's son, sister's son, father's brother, mother's brother.

What kindred a woman cannot marry.

SEC. 3. If any man or woman shall intermarry within the degrees aforesaid, every such marriage shall be null and void ; and the issue thereof shall be deemed and adjudged illegitimate, and be subject to all the disabilities of such issue.

Marriage within prohibited degrees, void.

SEC. 4. The provisions of the preceding sections shall not extend to, or in any way affect, any marriage which shall be solemnized among the Jews, within the degrees of affinity or consanguinity allowed by their religion.

Exception in favor of Jews.

SEC. 5. All marriages when either of the parties have a former wife or husband living at the time of such marriage, or where either of them shall be an idiot or lunatic at the time of such marriage, shall be absolutely void ; and no dower shall be assigned to any widow in consequence of such marriage, and the issue shall be deemed illegitimate, and be subject to all the disabilities of such issue.

Marriage of married person, idiot, or lunatic, void.

SEC. 6. All marriages between a white person and a negro, Indian, or mulatto, shall be absolutely null and void ; and the person joining them in marriage shall be subject to a penalty of two hundred dollars.

Marriage between a white and negro, Indian, or mulatto, void.

SEC. 7. Any ordained minister or elder of any religious denomination who shall be domiciled in this state, and either justice of the supreme court, may join persons in marriage in any town of the state.

Who may join in marriage.

SEC. 8. Wardens of the town of New Shoreham may join persons in marriage in said town.

Same subject.

SEC. 9. No minister, elder, or magistrate shall join any person in marriage, unless such persons shall, previous thereto, sign and deliver to such minister, elder, or magistrate a certificate, setting forth the names and surnames of the parties, the age, color, occupation, birthplace, and residence of each, whether either or both have been before married, and if before married, whether the marriage intended is the first, second, third, or other marriage, and the names, occupation, and birthplace of each of their parents.

Certificate required from parties, previous to marriage.

SEC. 10. If any person shall have any lawful objection to the marriage of any two persons, he may state the same in writing, under his hand, to the minister, elder, or magistrate about to solemnize the same, whereupon such minister, elder, or magistrate shall proceed no farther in such marriage, until such lawful objection be removed.

Right to object to marriage.

SEC. 11. Every minister, elder, or magistrate who shall join persons in marriage, without first receiving the certificate required by the ninth section of this chapter, and containing the information therein required, or when the solemnization of such marriage has been lawfully objected to, and the impediment is not removed, shall be imprisoned not exceeding six months, or fined not exceeding one thousand dollars.

Penalty for joining in marriage without certificate, or after objection.

SEC. 12. Every person authorized by law to join persons in marriage, who shall marry any man or woman whom he knows to have a husband or wife living, or whom he knows has had a husband or wife, and does not know that such husband or wife is dead in fact or in law, or that the person offering to be married has been lawfully divorced, shall be imprisoned not exceeding six months, or fined not exceeding one thousand dollars.

Penalty for joining in marriage one already married.

Penalty for unlawful marriage. Two witnesses required.

Of marriages of Quakers and Jews; and

of certificate required, and penalty for not delivering.

SEC. 13. Whoever shall be married without duly proceeding as by this chapter is required, shall be fined not exceeding fifty dollars.

SEC. 14. The solemnization of marriage shall be in the presence of two witnesses at least, besides the minister, elder, or magistrate officiating.

SEC. 15. Any marriage which may be had and solemnized amongst the people called Quakers or Friends, in the manner and form used or practised in their societies, or amongst persons professing the Jewish religion, according to their rites and ceremonies, shall be good and valid in law.

SEC. 16. The parties to any marriage solemnized in the manner prescribed in the next preceding section, or one of them, shall, before the celebration thereof, sign and deliver to the town clerk or register of births, deaths, and marriages of the town in which such marriage is celebrated the certificate required by the ninth section of this chapter, specifying the facts therein mentioned, or shall be imprisoned not exceeding six months, or be fined not exceeding one thousand dollars.

CHAPTER 150.

OF THE ADOPTION OF CHILDREN.

SECTION

1. Of petitions to adopt children, to whom to be addressed, and who must join in.
2. Consent of parents or next of kin to such child, required to such adoption.
3. Proceedings when parent is insane, under guardianship, &c.
4. Notice of petition and proceedings of court where parent does not consent to such adoption.
5. Consent of child required if fourteen years of age.

SECTION

6. When court may make decree effecting adoption.
7. Effect of such decree on adopted child.
8. Effect on rights of his parents.
9. Appeals from decrees of court of probate to supreme court; when and how taken.
10. When supreme court may reverse decree.
11. Court may change name of adopted child.

Petitions to adopt, to whom addressed, and parties to.

Consent of parents required, except, &c.

Proceedings when parent is insane, under guardianship, &c.

SECTION 1. Any inhabitant of this state may petition the municipal or probate court in the town of his residence, for leave to adopt a child not his own, and, if desired, for a change of the child's name; but the prayer of such petition by a person having a husband or wife shall not be granted, unless the husband or wife joins therein.

SEC. 2. The parents of the child, or the survivor of them, shall, except as herein provided, consent in writing to such adoption, or such petition shall be dismissed. If neither parent is living, the guardian of the child, or if there be no guardian, the next of kin in this state, may give such consent; or if there is no next of kin, the court may appoint some suitable person to act in the proceedings as next friend of the child, and to give or withhold such consent.

SEC. 3. If either parent is insane, or under guardianship, or imprisoned in the state prison under a sentence for a term not less than three years, or has wilfully deserted and neglected to provide proper care and maintenance for the child, for one year next preceding the

time of filing the petition, the court shall proceed as if such parent were dead, and, in its discretion, may appoint some suitable person to act in the proceedings as next friend of the child, and give or withhold the consent aforesaid.

SEC. 4. If a parent does not consent to the adoption of his child, the court shall order a copy of the petition and order thereon to be served on him, personally, if found in the state; and if not, to be published once a week, for three successive weeks, in such newspaper printed in the county as the court directs, the last publication to be at least four weeks before the time appointed for the hearing. Like notice shall also be published when a child has no parent living, and no guardian or next of kin in this state. The court may order such further notice as it deems necessary or proper.

Of notice of petition, and proceedings, when parent does not consent.

SEC. 5. If the child is of the age of fourteen years or upwards, the adoption shall not be made without his or her consent.

Consent of child, when required.

SEC. 6. If, upon such petition so presented and consented to, the court is satisfied of the identity and relations of the persons, and that the petitioner or petitioners are of sufficient ability to bring up the child, and furnish suitable nurture and education, having reference to the degree and condition of its parents, and that it is fit and proper that such adoption should take effect, a decree shall be made setting forth the facts, and ordering that from the date of the decree the child shall, to all legal intents and purposes, be the child of the petitioner or petitioners.

When decree of adoption may be passed.

SEC. 7. A child so adopted shall be deemed, for the purposes of inheritance by such child, and all other legal consequences and incidents of the natural relation of parents and children, the child of the parents by adoption, the same as if he had been born to them in lawful wedlock; except that he shall not be capable of taking property expressly limited to the heirs of the body or bodies of the parents by adoption, nor property from the lineal or collateral kindred of such parents, by right of representation.

Effect of, upon adopted child.

SEC. 8. The parents of such child shall be deprived by the decree of all legal rights as respects the child; and the child shall be freed from all obligations of maintenance and obedience as respects his parents.

Upon rights of parents.

SEC. 9. Any petitioner may appeal to the supreme court from the decree of the probate court on such petition, in like manner as appeals may be taken from other decrees of that court; and any child made the subject of such petition may, by a next friend, appeal in like manner; but no bonds shall be required, or costs awarded, against such child or next friend.

Appeals to supreme court, how taken.

SEC. 10. A parent who has not before the hearing upon a petition for the adoption of his child had personal notice thereof may, at any time within one year after actual notice, apply to the supreme court to reverse the decree. Said court, after due notice, may, in its discretion, reverse the same, if it appears that any of the material allegations in the petition were not true.

When supreme court may reverse decree.

SEC. 11. If, in a petition for the adoption of a child, a change of the child's name is requested, the court, upon decreeing the adoption, may also decree such change of name, and grant a certificate thereof.

Court may change name of adopted child.

CHAPTER 151.

OF HUSBAND AND WIFE.

SECTION

1. When a married woman may transact business, &c., in her own name.
2. When, have exclusive custody of minor children.
3. When, make deeds, &c.
4. When, be sued as if unmarried.
5. Of rights of husband afterwards coming into the state.

SECTION

6. Of rights of woman divorced during separate residence.
7. Of petition of husband to change custody of infant children, in case of divorce during separate residence.
8. Of appointment of guardians to children in such case.

When a married woman may transact business, &c., in her own name.

SECTION 1. Whenever any married woman shall, or shall have, come from any other state or country into this state without her husband — he never having lived with her in this state — and she shall continue, or shall have continued, to reside in this state, without her husband, for the space of one year continuously, she may afterwards, during her separate residence therein, transact business, make contracts, prosecute and defend suits in her own name, and dispose of such of her property as she may acquire by her own industry or otherwise.

When, have custody of children.

SEC. 2. Such married woman shall have the exclusive care, custody, and guardianship of her minor children, if any be living with her, in like manner, and in all respects, as if she were unmarried.

When, make deeds, &c.

SEC. 3. She may make and execute any deeds and other instruments in her own name, and do all other lawful acts that may be necessary or proper to carry into effect the power granted to her.

When, be sued as if unmarried.

SEC. 4. She shall be liable to be sued as if she were unmarried, upon all contracts, and for all other acts made or done by her, after the expiration of said term of one year.

Of rights of husband afterwards coming into the state.

SEC. 5. If the husband of any such woman shall afterwards come into this state and claim his marital rights, his arrival here shall have the same effect, with regard to any suit then pending in which she is a party, except to abate the same, and to any contract or business transacted by her under the power granted in the foregoing sections, as if they had been first married at the time of his arrival here, and shall have no other effect.

Of rights of woman divorced, during separate residence.

SEC. 6. If, during her separate residence, such married woman shall have obtained a decree of divorce against her said husband, under the laws of this state, or if her said husband, previous to his coming into this state, shall have caused the marriage contract to be dissolved by an act or decree of divorce obtained against her in any state or country, in any suit or proceeding to which she is not a voluntary party nor present thereat, so as to have like opportunity of defence as she would have if such suit were brought against her in this state, she shall not thereafter be liable in this state, if resident therein for the space of six months, to be deprived by her late husband of her separate earnings therein, nor of any property not derived from him, which she may have lawfully acquired or possess, nor of the custody of any infant child.

Of petition of husband to

SEC. 7. If, however, upon petition of her late husband to the supreme court, in the county where she resides, served upon her by

copy, thirty days at least before the sitting of the court, and setting forth substantially the whole subject-matter of complaint against her, it shall be made to appear by evidence that she is not a person of good moral character, suitable to have charge of her children, the court may, in its discretion, having regard to the well being of the infant, order its custody to be changed.

change custody of infant children.

SEC. 8. The supreme court, upon application of any such woman, either before or after said divorce, on her giving satisfactory evidence of her having resided one year in this state next before said application, separate from her husband, and without being supported by him, may appoint a guardian of the person and estate of such children, in the same manner that courts of probate are now authorized to appoint guardians of minors.

Of appointment of guardians to children in such case.

CHAPTER 152.

OF THE PROPERTY OF MARRIED WOMEN, AND OF THE DISPOSITION OF THE SAME.

SECTION

1. Property of married woman, how far secured to her separate use.
2. Proceeds of sale of her property, how far secured.
3. Receipt by husband of her rents and profits, when a discharge; and of receipt of wife.
- 4 and 5. How real estate, chattels real, furniture, stock, &c., of married woman may be disposed of.
6. How other personal property of married woman may be disposed of.
7. Deed conveying real property of wife, how to be executed.
8. Wife's acknowledgment of such deed, how taken.
9. Of effect of wife's refusal to acknowledge.
10. Power of attorney of wife to convey, how acknowledged.

SECTION

- 11 and 12. Dower of wife, by what conveyances barred.
13. Of wills of married women.
14. Husband's right by curtesy, and to administer, saved.
15. Property of married women liable for their debts.
16. Actions in relation to property of married woman, how brought.
17. Effect of recovery in such actions.
18. Trustees of property of married woman, how appointed.
19. Trustees of, how removed.
20. Effect of preceding sections, how limited.
21. Policy of life insurance for benefit of married woman, when valid and how sued.
22. Of trustee of interest of woman in such policy.

SECTION 1. The real estate, chattels real, and personal estate, which are the property of any woman before marriage, or which may become the property of any woman after marriage, or which may be acquired by her own industry, shall be absolutely secured to her sole and separate use; neither the same, nor the rents, profits, or income of the same, nor any part thereof, shall be liable to be attached, or in any way taken, for the debts of the husband, either before or after his death; and upon the death of the husband in the lifetime of the wife, shall be and remain her sole and separate property.

Property of married woman, how far secured to her separate use.

SEC. 2. In case of the sale of any such property, the proceeds of such sale, or any part of the same, may be invested, in the name of

Proceeds of sale of, how far secured.

the wife, in any property, and be secured to and holden by the wife, in the same manner, and with the same rights and effect, as the property sold.

Receipt by husband of her rents and profits, when a discharge, &c.

SEC. 3. The receipt or discharge of the husband for the rents and profits of such property shall be a sufficient receipt or discharge therefor, unless previous notice in writing shall be given by the wife to the lessee, debtor, or incorporated company, from whom such rents or profits are payable; in which case the sole and separate receipt or discharge of the wife shall alone be a sufficient receipt and discharge therefor, and the receipt of the wife shall, in all cases, be a sufficient discharge for the payment or delivery to her of her own property.

How real estate, chattels real, stock, &c., of married woman, may be disposed of.

SEC. 4. The covenants and agreements of a married woman, hereafter made, relating to the real estate, chattels real, household furniture, plate, jewels, stock, or shares in the capital stock of any incorporated company, money on deposit in any savings bank or institution for savings, with the interest thereon, or debts secured by mortgage on property, which are the property of any woman before marriage, or which may become the property of any woman after marriage, shall be binding upon her and her legal representatives, when made by deed in which such married woman joins with her husband, such deed to be acknowledged by such married woman in the manner provided for in section eight of this chapter.

Same subject.

SEC. 5. The chattels real, household furniture, plate, jewels, stock, or shares in the capital stock of any incorporated company, money on deposit in any savings bank or institution for savings, with the interest thereon, or debts secured by mortgage on property, which are the property of any woman before marriage, or which may become the property of any woman after marriage, shall not be sold, leased, or conveyed by the husband, unless by deed, in which the wife shall join as grantor; which deed shall be acknowledged in the manner hereinafter provided for the conveyance of the real estate of married women.

How other personal property of married woman may be disposed of.

SEC. 6. Any married woman may sell and convey any of her personal estate, other than that described in the next preceding section, in the same manner as if she were single and unmarried; and may make contracts respecting the sale and conveyance thereof, with the same effect, and with the same rights, remedies, and liabilities, as if such contracts had been made before marriage; but nothing in this section shall be construed to authorize any married woman to transact business as a trader.

Deed of wife's real estate, how to be executed.

SEC. 7. Whenever the husband and wife, being of lawful age, are seized of any lands, tenements, or other real estate, in the right of the wife, they may convey the same by the same deed, or by separate deeds; signed, sealed, delivered, and acknowledged by them respectively.

Wife's acknowledgment of; how taken.

SEC. 8. In every case provided for by the two next preceding sections, the wife acknowledging such deed or instrument shall be examined privily and apart from her husband; and shall declare to the officer taking such acknowledgment, that the deed or instrument shown and explained to her by such magistrate is her voluntary act, and that she doth not wish to retract the same.

Of effect of wife's refusal to acknowledge.

SEC. 9. If the wife, on such privy examination, shall refuse to make such acknowledgment, the deed or other instrument executed by the husband and the wife as aforesaid shall not operate to convey to the grantee named in such deed or instrument any other or greater estate in the premises described in such deed, than what belongs to the husband.

SEC. 10. If such deed, or any deed affecting her right of dower in any estate of her husband during his life, be executed by attorney of the wife, the letter of attorney shall be executed and acknowledged with like formalities as are required in the execution and acknowledgment of a deed by a husband and wife of an estate held in the right of the wife.

Power of attorney of wife to convey, how acknowledged.

SEC. 11. A married woman may bar her right of dower in any estate conveyed by her husband, by joining with him in the deed conveying the same, and therein releasing her claim to dower; or by releasing the same by subsequent deed jointly with her husband, or by joining in a deed given by a guardian of her husband.

Dower of wife, by what conveyances barred.

SEC. 12. She may also bar her right of dower in any estate in which the interest of her husband has been before conveyed, by a deed thereof executed by her in the presence of two witnesses, and acknowledged by her after a separate examination and an explanation of the deed to her, in the same manner as is required by law for a conveyance of real estate owned by her in her own right.

Same subject.

SEC. 13. Any married woman of sane mind, and of twenty-one years of age and upwards, may dispose of her real estate, or any portion of the same, and, being of the age of eighteen years and upwards, may dispose of her personal estate, or any portion of the same, by last will and testament, executed in the manner in which other wills are required to be executed, for disposition of like property.

Of wills of married women.

SEC. 14. The right of the husband in the real estate of the wife as tenant by the curtesy, and his right to administer without account upon her personal estate not disposed of by her last will and testament, shall not be impaired by the provisions of this chapter; nor shall anything herein contained authorize him to give unto or settle any of his property upon his wife, in any other manner or with any other effect than is by general law allowed.

Husband's right by curtesy, and to administer, saved.

SEC. 15. The property secured to any married woman by this chapter shall be liable to attachment or levy for her debts, contracted before marriage, and for her liabilities on such contracts as she is authorized to make by the sixth section of this chapter, under the same circumstances, and with the same effect, as if she had continued sole and unmarried; and nothing in this chapter contained shall be construed to impair any lien or right of lien thereon, or any remedy by law provided for the enforcement thereof.

Property of married woman liable for debts, &c.

SEC. 16. In all actions relating to the property of any married woman secured to her by this chapter, the husband and wife shall jointly sue and be sued, except in case a trustee of the same be appointed as hereinafter provided, and except in actions upon such contracts as she is authorized to make by the sixth section of this chapter, in which last case the wife may sue and be sued alone.

Action relating to property of, how brought.

SEC. 17. In case of recovery by any husband and wife, or wife, in any such action, the amount recovered may be invested in the name of the wife, in any property, with the same rights and effects as if the same had remained in the possession of the wife, whether the right of action accrued before or after marriage; and all such actions and rights of action shall survive the death of either husband or wife.

Effect of recovery in such case.

SEC. 18. The supreme court may, upon petition in equity by any married woman, filed by her through her next friend, appoint a trustee or trustees of her property, who shall be empowered, in his or their own name or names, as trustee or trustees, to sue for, recover, and hold such property, and may, under the direction of such court,

Trustees of property of married woman, how appointed.

change the investment thereof, and hold such property, or its proceeds, to the uses by law provided; said trust to continue during the coverture of such married woman, unless by order of said court sooner determined.

How removed. SEC. 19. Said court shall have power to remove such trustee, or trustees, and to appoint others in their stead, as in case of other trusts.

Limitation of effect of preceding sections. SEC. 20. Nothing in the preceding sections of this chapter shall be construed to deprive any husband of rights acquired by him over the property of his wife, prior to the time when the Digest of 1844 went into operation.

Policy of life insurance for benefit of married woman, when valid, &c. SEC. 21. Any policy or policies of insurance, or part thereof, which shall not exceed in the aggregate the sum of ten thousand dollars, made by an insurance company on the life of any person, and expressed to be for the benefit of a married woman, whether the same be effected by herself or by her husband, or by any other person on her behalf, shall enure to her separate use and benefit, independently of her husband and of his creditors and representatives; and also independently of any other person effecting the same on her behalf, his creditors and representatives; and such policy may be sued in the name of the person beneficially interested therein, or in the name of the representative of such person.

Trustee of, when to be appointed. SEC. 22. A trustee or trustees may be appointed by any court authorized to appoint trustees, to hold and manage the interest of any married woman in any such policy, or the proceeds thereof.

CHAPTER 153.

OF DIVORCE.

SECTION

1. Of divorces in case of marriages originally void or voidable, or where a party is civilly or presumptively dead.
2. Causes of divorce *a vinculis*.
3. When occasioned by collusion.
- 4 and 5. Effect of divorce upon property of wife in different cases.
6. Of allowance to divorced wife out of her property.
7. Wife entitled to dower when divorce granted for crime of husband.
8. Effect of divorce obtained by wife, upon her property.
9. Of allowance to wife out of property of husband.
10. Discretion of court as to restoration to and alimony of wife, in case of issue living.

SECTION

11. Of divorces from bed and board.
12. Of separate maintenance, in case of.
13. Petitions, how signed.
14. Jurisdiction over divorce, alimony, &c., where vested.
15. Residence of petitioner for, what.
16. Where such petitions filed and tried.
17. Of power of supreme court over notice in such petitions.
18. Power of supreme court over custody, maintenance, &c., of children, allowance to wife, &c.
19. Power of supreme court to change name of woman divorced.
20. Of interlocutory decrees on petitions for divorce, alimony, &c.

Divorces, when to be decreed.

SECTION 1. Divorces from the bond of marriage shall be decreed in case of any marriage originally void or voidable by law; and in

case either party is for crime deemed to be or treated as if civilly dead, or, from absence or other circumstances, may be presumed to be naturally dead.

SEC. 2. Divorces shall be decreed for impotency, adultery, extreme cruelty, wilful desertion for five years of either of the parties, or for such desertion for a shorter period of time in the discretion of the court, for continued drunkenness, for neglect or refusal on the part of the husband, being of sufficient ability, to provide necessaries for the subsistence of his wife; and for any other gross misbehavior and wickedness in either of the parties, repugnant to, and in violation of, the marriage covenant.

Same subject.

SEC. 3. Whenever it shall appear that the absence, adultery, cruelty, desertion, or other cause of complaint as aforesaid, was committed or occasioned by the collusion of the parties, and done or contrived with an intention to procure a divorce, in such case no divorce shall be decreed.

Collusion, effect of.

SEC. 4. Whenever a divorce shall be had for the causes of affinity, consanguinity, impotency, idiocy, lunacy, or crime of either of the parties, the wife shall have restored to her all her lands, tenements, and hereditaments; and a judgment may be passed for a restoration to her of all or such part of the personal estate specifically, or the value thereof, which has come to the husband's hands by virtue of the marriage, as the court from the circumstances of the case shall deem equitable.

Effect of divorce upon property of wife.

SEC. 5. Whenever the divorce shall be occasioned by adultery, or other of the causes aforesaid, done or committed on the part of the wife, the husband shall hold the personal estate not secured to her by law, forever, and her real estate not secured to her by law, during his natural life, in case they have had issue born alive of her body during the marriage, otherwise during her natural life only, if he shall survive her.

Same subject.

SEC. 6. The court may, in such case, allow the wife for her subsistence so much of her real and personal estate as they shall deem necessary or proper.

Allowance to wife.

SEC. 7. Whenever a divorce is granted for adultery, or crime on the part of the husband, the wife shall be entitled to dower in the same manner as if he were dead, unless the court shall decree alimony, chargeable upon the estate of the husband, instead of such dower.

Wife to have dower, when.

SEC. 8. Whenever a divorce shall be had for adultery, or for any of the causes aforesaid done or committed on the part of the husband, the wife shall continue to hold all her property, real and personal, secured to her by law, free from any right in, or control over, her disposition of the same, either during her life or at her death: and, if there be no issue living, shall be restored to all other her lands, tenements, and hereditaments, if any there be.

Effect of divorce obtained by wife upon her property.

SEC. 9. In such case the wife shall also be allowed, out of the real or personal estate of the husband, or out of both, such alimony as the court shall think reasonable, not exceeding the use of one moiety of his real estate, during the life of the wife, and the property of one half of his personal estate, having regard to the personal property which came to the husband by the marriage, and his ability.

Of allowance to wife, out of property of husband.

SEC. 10. If there be issue living at the time of the divorce, the court, with regard to ordering restoration to the wife of such of her lands, tenements, or hereditaments, if any, as may not be secured to her by law, and in regard to the amount of alimony to be allowed to

Discretion given to court if issue living.

her out of the property of the husband, may do as they shall judge the circumstances of the case may require.

Of divorces from bed and board.

SEC. 11. Divorces from bed, board, and future cohabitation, until the parties be reconciled, may be granted for any of the causes for which by law a divorce from the bond of marriage may be decreed, and for such other causes as may seem to require the same.

Of separate maintenance, in case of.

SEC. 12. In case of such divorce, the court may assign to the petitioner a separate maintenance out of the estate or property of the husband or wife, as the case may be, in such manner, and of such amount, as they may think necessary or proper.

Petitions, how signed.

SEC. 13. Every petition shall be signed by the petitioner, if of sound mind and of legal age to consent to marriage, otherwise, upon application to the court, and after notice to the party in whose name the petition shall be filed, the court may allow such petition to be signed by a guardian or next friend.

Jurisdiction over, vested in supreme court.

SEC. 14. All jurisdiction over divorce, alimony, separate maintenance, or the custody, education, and support of the children of persons divorced or petitioning for a divorce, is vested in the supreme court.

Residence of petitioner, what required.

SEC. 15. Said court shall have no cognizance of, or jurisdiction over, any petition for the same, or either of the same, unless the petitioner shall, at the time of preferring such petition, be a domiciled inhabitant of this state, and have resided therein for the period of one year, next before the preferring of such petition.

Petitions, where tried, &c.

SEC. 16. All such petitions shall be filed, heard, and tried in the county in which the petitioner shall reside.

Court may prescribe notice of, &c.

SEC. 17. The said court may, by general rule or otherwise, prescribe the notice to be given, within or without the state, on such petitions, and may issue such process as may be necessary, to carry into effect all powers conferred upon them in relation to the same.

Power of, over custody, maintenance, &c., of children, allowance to wife, &c.

SEC. 18. The said court is empowered to regulate the custody, and provide for the education, maintenance, and support of the children of all persons by them divorced or petitioning for a divorce, and of all persons to whom a separate maintenance may be granted or who may petition for the same; to make such allowance to the wife, out of the estate of the husband, for the purpose of enabling her to prosecute or defend against any such petition for divorce or separate maintenance, in case she has no property of her own, available for such purpose, as they may think reasonable and proper; and to make all necessary orders and decrees concerning the same, and the same at any time to alter, amend, and annul for sufficient cause, after notice to the parties interested therein.

Power of, to change name of woman divorced.

SEC. 19. The said court may authorize a married woman to whom a divorce from the bond of marriage is decreed to change her name, with the same rights and liabilities as if her name had not been changed.

Of interlocutory decrees.

SEC. 20. After the filing and during the pendency of any petition under this chapter, the supreme court may, as in equity, make such interlocutory decrees, or grant such temporary injunctions, as may be necessary, until a hearing can be had before the court.

CHAPTER 154.

OF GUARDIAN AND WARD

SECTION

1. Who may appoint guardian by will.
2. Of power of courts of probate to appoint.
3. Of appointment of guardians of minors under fourteen.
- 4 and 5. Of appointment of guardians of minors of fourteen and upwards.
6. Of appointment of guardians of non-residents.
7. Of appointment of guardians of idiots, indiscreet persons, &c.
8. Of appointment of guardians of habitual drunkards.
9. Right of such guardians to control the custody of their wards.
10. Ward's estate chargeable with expenses of his committal and custody.
11. Who may be guardian.
12. Of guardian's bond.
13. Of additional bond or sureties.
14. Of removal and resignation of guardian.
15. Of applications to court for appointment, removal, &c., of guardians.
16. Of contracts, &c., of intended ward after notice of application for guardianship.
- 17 and 18. Notices to be given by guardian, when appointed.
19. Inventory to be exhibited by guardian.
20. List of claims against ward to be exhibited by guardian.
21. Duty of guardian as to estate and debts of ward.

SECTION

- 22 and 23. Of application for leave to sell real, &c., estate, of ward.
24. Of accounting by guardian.
25. What a breach of his bond.
26. Bond of guardian, how sued.
27. Creditors of ward, when to present claims to guardian.
28. Suit against persons under guardianship, when may be brought.
29. Power of guardian to adjust claims by compromise.
30. Demands against ward owing, but not due, entitled to dividend.
- 31 and 32. Duty of guardians as to persons, education, and estates of wards and their children.
33. Duty to apply for sale of real estate of ward, when his income insufficient for support.
34. Property of minor not chargeable with his support, in relief of his father.
35. Allowances to guardians.
36. Settlement of accounts of, when final.
37. Power of guardian to invest money of his ward.
38. When guardian may remove property of ward from state, guardian and ward being both non-residents.
39. When court of probate may discharge, &c., resident guardian, and order transfer of property to non-resident one.
40. Guardian may lay out streets, &c. through ward's land, with approval of court appointing him.

SECTION 1. Every person authorized by law to make a will, except married women, shall have a right to appoint by his will, a guardian or guardians for his children during their minority.

Who may appoint by will.

SEC. 2. The court of probate of each town, whenever occasion shall require, may appoint guardians to minors and others.

Courts of probate may appoint.

SEC. 3. Whenever any minor under the age of fourteen years shall reside or have a legal settlement in any town, the court of probate of such town shall have the right to appoint a guardian of the person and estate, or of the person or estate, of such minor.

May appoint guardians of minors under fourteen.

SEC. 4. Whenever any minor, being of the age of fourteen years or upwards, shall reside or have a legal settlement in any town, the

Of guardians of minors four-

teen or upwards.

When court may appoint guardian of such minor.

Of appointment of guardians of non-residents.

Of appointment of guardians of idiots, indiscreet persons, &c.

Of habitual drunkards.

Power of guardians of, over their wards.

Ward's estate, what chargeable with.

Who may be guardian.

Of guardian's bond.

Of additional bond, or sureties.

Of removal or resignation of guardian.

court of probate of such town shall have the right to approve of any guardian chosen by such minor.

SEC. 5. If any such minor shall neglect to choose a guardian, being cited by such court so to do, or shall choose one of whom such court shall not approve, or one who shall neglect to give bond as is hereinafter required, within the time appointed by such court; in each of such cases such court may appoint a guardian for such minor, as if he were under the age of fourteen years.

SEC. 6. Any court of probate, if occasion shall require, may appoint or approve the choice of a guardian over the estate or property of a person, whether minor or other, who shall reside without the state and possess property or estate therein.

SEC. 7. Whenever any idiot or lunatic, or person *non compos mentis*, or any person who from excessive drinking, gaming, idleness, or debauchery of any kind, or from want of discretion in managing his estate, shall be likely to bring himself or family to want, or to render himself or family chargeable, shall reside or have a legal settlement in any town, the court of probate of such town shall have the right to appoint a guardian of the person and estate of such person, and of the estate, within this state, of such person resident without this state.

SEC. 8. Courts of probate are hereby authorized to appoint guardians of the persons and estates of habitual drunkards.

SEC. 9. The guardian of any habitual drunkard shall have the same right to control the custody of his ward as is conferred by law upon guardians appointed of any of the classes of persons enumerated in section seven of this chapter, including the authority to commit the ward to any curative hospital, either within or without this state, until he is cured of his drunkenness but not exceeding six months at any one time.

SEC. 10. The ward's estate shall be chargeable with the expenses properly incident to his committal and custody, under the provisions of the next preceding section of this chapter.

SEC. 11. No person shall be capable of being appointed or approved as guardian of a minor, resident in this state, who is not at the time of his appointment himself resident therein, but this provision shall not apply to guardians appointed by will.

SEC. 12. Every guardian appointed by will, unless the testator otherwise specially direct by his will, or appointed by a court of probate, shall, before he proceed to act as such, give bond to the court of probate appointing him, in such sum as they shall require, and with sureties satisfactory to them; with condition that within three months after his appointment he will exhibit, under oath, to the court of probate an inventory in writing of all the real and personal estate of his ward, which shall come to his possession or knowledge; that he will faithfully and duly discharge his trust according to law, and render a just and true account of his doings therein to such court annually, or whenever he shall be by such court thereunto required, or to his ward whenever he shall arrive at the age of twenty-one years, or whenever said guardianship shall be removed.

SEC. 13. Any court of probate may require additional bond or sureties of any guardian appointed or approved of by them, whenever they shall think proper, and in case of neglect or refusal to give the same, may remove such guardian from his trust.

SEC. 14. The court may also remove, in the manner prescribed by law, any such guardian who, by reason of absence, sickness, insanity,

or other cause, shall become incapable of executing his trust, or who shall neglect or refuse to do the duties thereof, or who shall waste the estate of his ward; and they shall accept the resignation of any guardian, after he shall have accounted with such court for the estate of his ward in his hands.

SEC. 15. Every application to any court of probate for the approval, appointment, or removal of a guardian, and every resignation of the trust of a guardian, shall be in writing.

Applications to appoint, remove, &c., to be in writing. Effect of notice, &c.

SEC. 16. After the setting up of the required notice in the town clerk's office, and after notice to the intended ward, all contracts, bargains, and conveyances made by such intended ward, until the final action of the court of probate on the application, shall be null and void; and all contracts, bargains, and conveyances made by any person under guardianship, shall be utterly void.

SEC. 17. Upon the appointment or approval of any guardian as aforesaid, he shall give immediate notice thereof by advertisement, six successive weeks, in some newspaper printed in this state.

Guardian to give notice.

SEC. 18. He shall also, at the same time, notify the creditors of his ward to exhibit their claims within six months from the date of said notice.

To notify creditors.

SEC. 19. Within three months after his appointment, he shall exhibit under oath to the court of probate an inventory of all the real and personal estate of his ward, to be taken by three suitable persons appointed by the court of probate, who shall be sworn before said court, or any person authorized to administer oaths, to the faithful discharge of that trust.

To exhibit inventory.

SEC. 20. He shall also, before making payment to any one, exhibit to said court a list of all the claims presented against his ward, noting thereon such as are allowed by him, and such as are rejected in whole or part.

To exhibit list of claims.

SEC. 21. He shall collect all the personal property of his ward, and sell and appropriate the same, or so much thereof as shall be necessary, at such time and in such manner as the court of probate shall direct, to the payment of all the debts of such ward, or, if not sufficient therefor, in equal proportions, except that debts due to the United States, debts due to this state, and for state and town taxes, shall be first paid, and in the order in which they are named. Every debt found due by the court of probate from the estate of the ward shall be a lien upon the real estate of such ward during his minority, and for one year thereafter.

Duty of, as to estate and debts of ward.

SEC. 22. Whenever it shall appear that the personal estate of the ward is insufficient for the purposes aforesaid, he shall apply to the court which appointed or approved him for leave to sell, at public or private sale, so much of the real or mixed estate of his ward, or of the wood or timber thereon standing and growing, or of stone in the quarry, or of coal or peat thereon, or to raise so much by mortgage on the real or mixed estate of the ward, or any of it, as may be necessary, to make up the deficiency, with incidental charges.

Of application to sell real, &c., estate of ward.

SEC. 23. He may make such application for the sale of the real or mixed estate of his ward, or any of it, for better or more advantageous investment, or for any other purpose beneficial to the ward.

Same subject.

SEC. 24. He shall make out and return to the court of probate, yearly and every year, his account relative to his ward's estate in his hands, in the same manner as executors and administrators are by law required to do relative to the estates of their testators or intestates; and, upon neglect, shall be cited by the court so to do, as executors

Of accounting by guardian.

and administrators are to be cited; and, upon neglect, after such citation, for thirty days, without sufficient excuse, shall be accountable, and without compensation or allowance, and shall incur like penalty and to like use, as executors and administrators are by law accountable and incur.

What a breach of bond.

SEC. 25. If any guardian shall neglect to exhibit a true inventory of his ward's estate, or a list of the claims presented against his ward as above required, or shall neglect to apply the real and personal estate of his ward as aforesaid to the payment of his debts as aforesaid, it shall be deemed a forfeiture of his bond given as aforesaid; and his sureties or surety shall be liable to an action thereon by any creditor or person interested, or at the instance of any person interested, and judgment shall be entered in such action, and execution shall issue, and recovery shall be had, to such use and with like powers in, and privileges to, the court of probate, as, in like cases, on administration bonds sued.

Bond, how sued.

SEC. 26. The mode of suing and proceeding on such bond shall be in all respects the same as, in like cases, on bonds of executors and administrators.

Creditors of ward, when to present claims to guardian.

SEC. 27. Every creditor of a ward shall exhibit his claim to the guardian within the term of six months after notice given as required in the eighteenth section of this chapter, or shall be forever barred of all claim therefor against the guardian, unless there shall be surplus property in his hands, after paying all debts and expenses, and allowances made by the court of probate.

Suits against persons under guardianship, when may be brought.

SEC. 28. No action shall be sustained against any person under guardianship within twelve months after the appointment of his guardian and notice thereof, unless the claim exhibited is wholly or in part rejected by the guardian; in which case the creditor may bring his suit forthwith, and shall be entitled to the whole, or a dividend, if the estate should prove insolvent, upon such sums as he may recover in such suit. The party bringing such suit, besides the service of the original writ, shall cause a true copy thereof to be served upon the guardian.

When guardians may compromise claims, &c.

SEC. 29. Every guardian may, under the advice and direction of the court of probate appointing such guardian, adjust by compromise any claims in favor of, or against the estates of, the wards by them represented.

Demands not due, entitled to dividend, &c.

SEC. 30. All legal demands against the ward, although the same may not be then due, may be filed, and shall be entitled to a dividend, allowing interest for the anticipated payment, in the same manner as other demands actually due.

Duty of guardians over persons, education, and estates of wards, &c.

SEC. 31. Guardians of minors shall take special charge of their education; and guardians appointed under the provisions of sections seven and eight of this chapter shall take the like charge of the education of the children of their wards, unless guardians shall be especially appointed for such children, and the estates of such wards, and also the estates of minors, shall be liable for the education of such children and minors aforesaid, in the same manner as for their support and maintenance, and may be disposed of accordingly.

Same subject.

SEC. 32. Every guardian of the person shall take suitable charge of the person over whom he shall be appointed guardian, and every guardian of the property of another shall improve his estate frugally and without waste, and apply the income and profits thereof, or so much thereof as may be necessary and proper, to the support and maintenance of the person to whom they shall belong, and his household or family, if any such there be.

SEC. 33. If the personal estate, and the income of the real estate, of any person who shall be under guardianship as aforesaid, shall not be sufficient to support him and his household or family, the said guardian shall petition the court of probate for liberty to make sale of, or to mortgage, so much of the real or mixed estate of such person, or to make sale of the wood or timber thereon standing and growing, or of the stone in the quarry, or of peat and coal, as may be necessary therefor.

When to apply for sale of real estate.

SEC. 34. Where a guardian of the property only is appointed, the property of the minor in the hands of the guardian shall not be chargeable with any debt against such minor contracted during the life of his father, if such father shall, in the opinion of the court of probate, be of sufficient ability to maintain such minor; and in case any part of the property of such minor is deemed necessary as aforesaid for his support or education, the same shall be paid out by the guardian for that purpose, under the advice and direction of the court of probate.

Property of minor not chargeable for debts contracted during life of father, &c.

SEC. 35. Courts of probate are authorized, in the settlement of the accounts of any guardian by them appointed, to make all reasonable allowances for such sums as the guardian shall, from time to time, have paid for the comfortable support of his ward, and family, if any there be, and also a reasonable compensation to the guardian for his services.

Allowances to guardians.

SEC. 36. The settlement of the accounts of any guardian by the court of probate, or, on appeal, by the supreme court, shall be conclusive on all parties concerned therein, and shall not be subject to reexamination.

Settlement, when, final.

SEC. 37. Every guardian shall be authorized to invest any money in his hands, not wanted for the payment of debts or for the support or education of his ward, in notes secured by mortgage upon real estate situated in the state of Rhode Island, or in the bonds of the United States, or of the state of Rhode Island, or the bonds or notes of any city or town in Rhode Island, or to make deposits thereof in any savings bank or trust company in the state of Rhode Island, as he shall deem most for the interest of his ward, and may also, under direction of the court of probate, invest any such money in real estate or bank stocks in the state of Rhode Island.

Power of guardian to invest money of ward.

SEC. 38. In all cases where any guardian and his ward may both be non-residents of this state, and such ward may be entitled to property of any description in this state, such guardian, on producing satisfactory proof to the probate court of the proper town and county, by certificates duly authenticated according to the act of congress in such cases, that he has given bond and security in the state in which he and his ward reside, in double the amount of the value of the property, as guardian, and it is found that a removal of the property will not conflict with the terms of limitation attending the right by which the ward owns the same, then any guardian may demand, or sue for and remove any such property, to the place of residence of himself and ward.

Power of non-resident guardian, to remove property of non-resident ward.

SEC. 39. Whenever such non-resident guardian shall produce an exemplification, from under the seal of the office (if there be seal) of the proper court in the state of his residence, containing all the entries in relation to his appointment and giving bond, duly authenticated as aforesaid, the probate court of the proper town in this state may cause suitable orders to be made, discharging any resident guardian, executor, or administrator, and authorizing the delivering and

Of transfer of property to non-resident guardian, &c.

passing over of such property, and also requiring receipts to be passed and filed, if deemed advisable: *Provided*, that in all cases thirty days' notice shall be given to the resident guardian, executor, or administrator, of the intended application for the order of removal, and the court may reject the application and refuse such order, whenever it is satisfied it is for the interest of the ward that such removal shall not take place.

Guardian may lay out streets, &c., through ward's land, when.

SEC. 40. The guardian of any owner of lands suitable for building purposes may lay out, make, or dedicate highways, streets, or gangways, upon, through, or over such lands, by conveyance, indenture, plat, or otherwise, in the same manner, and with the same effect, as the owner himself might do, if not under guardianship, such guardian first obtaining a decree of the court appointing him, approving his exercise of such power.

CHAPTER 155.

OF MASTERS, APPRENTICES, AND OF FACTORY AND OTHER LABORERS.

SECTION

- 1 and 2. Minor apprentices, by whom and how bounden.
3. For what time may be bounden.
4. Form of indentures.
5. Poor children, what classes, to whom, by whom, and how, bounden.
6. Poor adults, who and how bounden.
7. Considerations of indentures, to whom to be reserved, and stipulations of indentures, what to be.
8. Contracts for minor's services, to be binding, when.
9. Who entitled to inquire into and complain of treatment of apprentices and bounden servants.
- 10 and 11. Of proceedings on such complaint.
12. Of complaint of an adult bounden out.
13. Of proceedings on such complaint.
- 14, 15, and 16. Remedy against ap-

SECTION

- prentice, &c., for illegally leaving service.
- 17 and 18. Remedy in case of misbehavior and neglect by apprentice.
19. Apprentice to be bound anew.
20. Indentures discharged by death of master.
21. No factory laborers under twelve years of age.
22. Under fifteen years of age, to go to school.
23. Hours of employment in factory, of minor between twelve and fifteen years of age.
24. Penalty upon owner or agent of factory for breach of preceding sections.
25. Limitation of complaint for such breach.
26. Ten hours, legal day, unless otherwise agreed.

Minor apprentices, by whom and how bounden.

SECTION 1. Every minor, within the age of twenty-one years, may be bound by deed, as a servant and apprentice, by his father, and in case of his decease, by his mother, when sole, or, being within the age of fourteen years, by his guardian legally appointed.

Same subject.

SEC. 2. The minor, if fourteen years of age, and having no such parent, may, of his voluntary accord, with the approbation of his guardian, or, in case of no such guardian, by and with the approbation of the town council of the town where such minor belongs or resides, bind himself by deed, as an apprentice or servant.

SEC. 3. Females may be bound or bind themselves as aforesaid, to the age of eighteen years, or to the time of their marriage within that age, and males to the age of twenty-one years. For what time.

SEC. 4. In every such case there shall be two deeds, of the same form and tenor, executed by both parties, one to be kept by each. Form of indentures.

SEC. 5. The following classes of poor children, male and female, may be bound out by the overseers of the poor of their respective towns, with the advice and consent of the town council, by deed indented or poll, to any citizen of this state, as apprentices to any lawful art, trade, or mystery, or as servants to be employed in any lawful work or labor, or to the Providence Children's Friend Society, or to the Home for Friendless Children in Newport, or to the Providence Shelter for Colored Children, to be instructed, disciplined, and dealt with according to the powers and rules of said society; males, until they shall come to the age of twenty-one years, and females, until they shall come to the age of eighteen years, or are married — that is to say: — Poor children, what classes, to whom, by whom, and how, bounden.

First. Children of parents who are lawfully settled in, and have become chargeable to, their towns.

Second. Children of parents so settled, whose parents, whether they receive alms or are chargeable or not, shall be deemed by said overseers unable to maintain them.

Third. Children of parents residing in their respective towns, who are there supported at the charge of the state.

Fourth. Children of parents or a parent residing in their respective towns, who have no legal settlement in this state, and are adjudged by the town council to be unable to maintain their or his or her children.

Fifth. Children in their respective towns without estate sufficient for their maintenance, who have no parents residing therein, and who have no legal settlement in this state.

SEC. 6. The following classes of poor persons, of the age of twenty-one years and upwards, may be set to work or bound out to service by deed as aforesaid, by the overseers of their respective towns, for a term not exceeding one year at a time, upon such terms and conditions as such overseers shall think proper; that is to say: — Poor adults, who, and how bounden.

First. All poor persons residing and lawfully settled in their towns and those who have no lawful settlement in the state, whether married or unmarried, and who are able of body and have no visible means of support; and who live idly, and use and exercise no ordinary and daily and lawful trade or occupation to get their living.

Second. All persons settled or residing in their towns who, having families to support, earn sufficient means therefor, but waste their earnings and abandon their wives or children, or both, as paupers upon the town.

SEC. 7. All considerations which shall be allowed by the master in any contract of service or apprenticeship shall be secured to the sole use of the minor thereby engaged, and in every such contract, provision shall be made for the instruction of all children bound, in reading, writing, and ciphering, and for such other instruction, benefit, and allowance, either within or at the end of the term of service, as may be fit and reasonable. Considerations of indentures, to whom reserved, &c.

SEC. 8. All contracts that shall be made by any parent or guardian, or by the minor, with the approbation of any guardian or town council, or by the overseers of the poor of any town, with the advice and consent of the town council, or by the overseers of the poor alone, Contracts for minor's services to be binding, when.

where such advice and consent is not by law required pursuant to the provisions of this chapter, shall be good and effectual in law against all parties, and the minor or servant thereby engaged, according to the tenor thereof.

Who may inquire into and complain of treatment of apprentices, &c.

SEC. 9. It shall be the right and duty of all parents and guardians, and of town councils for the time being, where the town council shall give their approbation as aforesaid, or of overseers of the poor, binding minors or servants as aforesaid, to inquire into the usage of apprentices and servants, bound as aforesaid, and to defend them from the cruelty, neglect, or breach of covenant of their masters; and such parents, guardians, town councils, or overseers for the time being, may complain to the supreme court in the county of which such master is an inhabitant, against him, for any personal cruelty, neglect, or breach of covenant.

Of proceedings on such complaint.

SEC. 10. The court, after having duly notified the party complained against, shall proceed to hear and determine such complaint, and if the complaint shall be supported, the court may render judgment that the minor or servant be discharged from his apprenticeship or service, with costs against the master, and award execution accordingly; in which case the deed of service or apprenticeship shall be deemed void, from the time of rendering judgment, and the minor may be bound anew.

Same subject.

SEC. 11. If such complaint shall not be supported, the court shall award costs to the respondent against the parent, guardian, town council, or overseers, where the complaint of the town council or overseers shall be without probable cause, and issue execution accordingly.

Of complaint of adult bounden out.

SEC. 12. If any person, of the age of twenty-one years or upwards, bound by the overseer of the poor of any town, shall think himself aggrieved by the doings of the overseer, he may apply for relief, by complaint, to the supreme court in the county in which he is bound, or in which the overseer who bound him dwells.

Proceedings on such complaint.

SEC. 13. Such court, after due notice to the overseer for the time being, and to the master of such person, shall have power, after due hearing and examination, if they find cause therefor, to liberate and discharge the party complaining from his or her master, and to release him or her from the care of the overseer, or otherwise, to dismiss the complaint; giving costs to either party or not, as the court may think reasonable.

Remedy against apprentice, &c., for illegally leaving service.

SEC. 14. If any servant or apprentice, bound as aforesaid, shall depart from the service of his master, or otherwise neglect his duty, any trial justice or clerk of a justice court, in the county in which such servant or apprentice may be found, on complaint made to him, on oath and in writing by the master, or by any one in his behalf, may issue his warrant to the sheriff, his deputy, or to any town sergeant or constable within the county, directing him to apprehend such servant or apprentice, and bring him before the justice court to which such warrant shall be returnable.

Same subject.

SEC. 15. Such court shall, upon the hearing, endeavor to reconcile the difference, if it can, and order the said servant or apprentice to be returned to the place of his duty, or may commit him to the state work-house and house of correction, there to remain for a term not exceeding twenty days, unless sooner discharged by his master; and the court's warrant for returning such servant or apprentice to the place of his duty, directed to any officer, or other person by name, shall authorize him to convey any such servant or ap-

prentice to such place, notwithstanding it may be in any other county in the state.

SEC. 16. The costs of such process and commitment shall be paid by the master, to be recovered by him of the parent or guardian, and the same, with all further costs which he may be holden to pay, shall be a proper article of charge in such guardian's account.

Same subject.

SEC. 17. If any servant or apprentice, bound as aforesaid, shall be guilty of any gross misbehavior, wilful neglect, or refusal of his duty, the master may complain thereof to the supreme court in the county whereof he is a resident; and the said court, after having duly notified such servant or apprentice, and all persons covenanting on his behalf, and the town council for the time being of the town, when they shall approve as aforesaid, shall proceed to hear and decide upon such complaint.

Remedy in case of misbehavior, neglect, &c., of apprentice.

SEC. 18. If the said complaint shall be supported, the court may render judgment that the master be discharged from the contract of service or apprenticeship, and every article thereof obligatory on him, with costs; and award execution for costs accordingly, against the parent, guardian, or minor, where the minor shall engage as aforesaid for himself.

Same subject.

SEC. 19. Any servant or apprentice whose master shall be discharged as aforesaid, may be bound anew.

Apprentice to be bound anew.

SEC. 20. No covenant of apprenticeship entered into by any minor, his parent, or guardian, for the purpose of such minor's becoming or being instructed in any trade or mystery, and made to any master, the wife of such master, or to the executors, administrators, or assigns of such master, shall be binding on such minor, parent, or guardian, after the decease of the master; but on the death of such master the said contract shall be deemed void from that time; and in any such case, any minor may be bound anew, in manner as is hereinbefore directed.

Indentures discharged by death of master.

SEC. 21. No minor under the age of twelve years shall be employed in or about any manufacturing establishment, in any manufacturing process, or in any labor incident to a manufacturing process.

No factory laborers under twelve years of age.

SEC. 22. No minor under the age of fifteen years, shall be employed in any manufacturing establishment in this state, unless such minor shall have attended school for a term of at least three months in the year next preceding the time when such minor shall be so employed; and no such minor shall be so employed for more than nine months in any one calendar year.

Under fifteen years of age to go to school.

SEC. 23. No minor who has attained the age of twelve years, and is under the age of fifteen years, shall be employed in any manufacturing establishment more than eleven hours in any one day, nor before five o'clock in the morning, nor after half past seven o'clock in the evening.

Hours of employment, &c.

SEC. 24. Every owner, employer, or agent of a manufacturing establishment, who shall knowingly and wilfully employ any minor, and every parent or guardian who shall permit or consent to the employment of his or her minor child or ward, contrary to the provisions of the next three preceding sections of this chapter, shall be liable to a penalty of twenty dollars for each offence, to be recovered by complaint and warrant before the justice court in the town in which such child shall reside, or in which the manufacturing establishment in which such child shall have been employed shall be situated, one half thereof to the use of the complainant, and the other

Penalty upon owner or agent of factory, for breach of preceding sections.

half thereof to the use of the district school of the district in which such manufacturing establishment shall be situated, or, if in the city of Providence, to the use of the public schools of said city.

Limitation of complaint.

SEC. 25. Every such complaint shall be commenced within thirty days after the offence complained of shall have been committed, with right of appeal as in other criminal cases.

Ten hours a legal day, except, &c.

SEC. 26. Labor performed in any manufacturing establishment, and all mechanical labor, during the period of ten hours in any one day, shall be considered a legal day's work, unless otherwise agreed by the parties to the contract for the same.

TITLE XXI.

OF THE INDIAN TRIBE.

CHAPTER 156. Of the tenure of, and of trespasses on, Indian lands.

CHAPTER 157. Of the commissioner of the Indian tribe.

CHAPTER 158. Of the Indian school.

CHAPTER 159. Of the general meeting of the Indian tribe.

CHAPTER 156.

OF THE TENURE OF, AND OF TRESPASSES ON, INDIAN LANDS.

SECTION

1. Tenure of, how derived and proved.
2. How leased and regulated.
3. License to cut, &c., on tribe land,

SECTION

- to be obtained before cutting trees, &c.
4. Penalty for cutting on, &c., without license.

Tenure of, how derived and proved.

SECTION 1. The tenure of the lands belonging to the Narragansett tribe of Indians, as derived from their ancestors, and evidenced by tradition and usage, shall be the legal tenure thereof.

How leased and regulated.

SEC. 2. The council of the tribe may lease and regulate the use of the tribe land and other Indian land, according to the ancient usages and customs of the tribe, and may apply the proceeds thereof to the support of their poor and to their other expenses.

License to cut, &c., to be obtained before cutting trees, &c.

SEC. 3. No Indian or other person shall, without the consent of the council of the tribe being first obtained, cut or carry away from any of the lands of the tribe any trees, timber, wood, brush, bark, grass, or other substance whatever.

Penalty for cutting, &c., without license.

SEC. 4. Every person violating any provision of the next preceding section shall pay four times the value of the trees, timber, wood, or other substance cut, taken, or carried away by him, to be recovered in an action of trespass, brought in the name of the commissioner of the Indian tribe, for the benefit of said tribe.

CHAPTER 157.

OF THE COMMISSIONER OF THE INDIAN TRIBE.

SECTION

- 1. Commissioner, how appointed and qualified.
- 2. Term of office and compensation of.
- 3. Duty of.

SECTION

- 4. How and what to report.
- 5. Power to sue for injury to Indian land.
- 6. Power over such suit pending.

SECTION 1. The governor shall annually appoint a commissioner of the Indian tribe, who shall give bond to the general treasurer, with sufficient surety, in the penal sum of five hundred dollars, for the faithful discharge of the duties of his office.

Commissioner, how appointed and qualified.

SEC. 2. The commissioner shall continue in office until his successor shall be qualified to act, and shall receive from the state such compensation for his services as the general assembly may, from time to time, allow.

Term of office and compensation of.

SEC. 3. He shall superintend the affairs of the tribe; shall bring, in his own name, all actions in behalf of the tribe; shall settle all controversies among its members relating to their estate, real or personal, or to any other matter, subject to an appeal to the general assembly, and shall enforce all laws made for the prevention of the sale of intoxicating liquors among the members of the tribe, and for the protection and security thereof.

Duty of.

SEC. 4. He shall, from time to time, report to the general assembly the condition of the tribe, and any facts relating thereto which he may deem it material to have brought to the notice of the said general assembly.

How and what to report.

SEC. 5. He shall bring, in his own name, any action necessary to recover damages from flowage or other trespass, done by any Indian or other person whatever to any land belonging to the tribe, or to any Indian land, the owner of which may be under age, absent, or unknown.

Power to sue for injury to Indian land.

SEC. 6. He may compromise any such action, and receive the damages for the benefit of whom it may concern.

Power over suit.

CHAPTER 158.

OF THE INDIAN SCHOOL.

SECTION

- 1. Appropriation for, and how to be expended.
- 2. Report of expenditure, when and how made.

SECTION

- 3. Qualification of teacher in, how to be proved.
- 4. Indian tribe not included in apportionment for Charlestown.

SECTION 1. The general treasurer shall annually pay to the treasurer of the town of Charlestown the sum of two hundred dollars, to be expended, under the direction of some person or persons to be annually appointed by the governor, in the support of a school, and

Appropriation for, and how to be expended.

the purchase of school-books for the members of the Indian tribe: *Provided*, that no portion of said appropriation shall be expended, unless the school-house occupied by said tribe shall be put and kept in suitable repair by said Indian tribe.

Report of expenditure, when and how made.

SEC. 2. The person or persons appointed as aforesaid shall, on or before the first Tuesday of May, annually, transmit to the governor an account of the expenditure of said money together with a statement of the condition of said school.

Qualification of teacher in.

SEC. 3. No person shall be employed to keep said school, either as principal or assistant, who has not received a certificate of his qualifications to teach a school from the school committee of the town of Charlestown or other competent authority, in like manner as is required for teachers in other public schools.

Indian tribe not included in Charlestown apportionment.

SEC. 4. In the apportionment of the public money by the commissioner of public schools, and by the school committee of the town of Charlestown, the Indian tribe shall not be included.

CHAPTER 159.

OF THE GENERAL MEETING OF THE INDIAN TRIBE.

SECTION

1. Penalty for selling liquor within three miles of place of.

SECTION

2. Who to enforce, and how.
3. Limitation of complaint for.

Penalty for selling liquor within three miles of place of.

SECTION 1. Every person who shall sell any spirituous or intoxicating liquor, or any cider or beer, within three miles of the meeting-house in which the general meeting of the Indian tribe is held, in the month of August, on any day of such meeting, shall be fined not exceeding one hundred dollars, or be imprisoned not exceeding three months.

Who to enforce, and how.

SEC. 2. The sheriff of the county of Washington shall designate one or more of his deputies, who shall attend said meeting during the whole of the time it shall be held, and who shall forthwith arrest any person violating any provision of this chapter, or who may be then and there creating any disorder, either within or without said meeting-house.

Limitation of complaint for.

SEC. 3. Every complaint for a violation of any of the provisions of this chapter shall be made within thirty days after the offence shall have been committed, and not afterwards.

TITLE XXII.

OF REAL AND PERSONAL ESTATE, OF THE TITLE TO, ALIENATION OF, AND LIENS UPON THE SAME.

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- CHAPTER 160. Of what is real, and what personal estate, in certain cases.
 - CHAPTER 161. Of estates in real property.
 - CHAPTER 162. Of the conveyance of real estate.
 - CHAPTER 163. Of certain Indian grants, and grants of land by the colonies of New Plymouth, and of the Massachusetts, and of the province of the Massachusetts Bay.
 - CHAPTER 164. Of title by possession.
 - CHAPTER 165. Of mortgages of real and personal property.
 - CHAPTER 166. Of the lien of mechanics.
 - CHAPTER 167. Of trusts, trustees, and trust estates.
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CHAPTER 160.

OF WHAT IS REAL AND WHAT PERSONAL ESTATE IN CERTAIN CASES.

SECTION

- 1. What machinery, &c., real estate.
- 2. What, personal estate, and for what purposes.

SECTION

- 3. Partition of machinery compelled, and how.

SECTION 1. The water-wheels, steam-engines, boilers, main belts, which first give motion to the shafting, all shafting, whether upright or horizontal, and hangers for the same, except such as are used to drive a special machine, all drums, pulleys, wheels, gearing, steam-pipes, gas-pipes, and gas fixtures, water pipes and fixtures, kettles and vats set and used in any mechanical or manufacturing establishment, are declared to be real estate, when the same belong to the owner of the real estate to which they are attached.

What machinery, &c., real estate.

SEC. 2. All other machinery, tools, and apparatus of every description, used and employed in any manufacturing establishment, are declared to be personal estate; and as such shall be considered, in assignments of dower, in attachments, and in all cases whatever, except in the assessment and payment of taxes.

What, personal estate, and for what purposes.

SEC. 3. Partition of the property mentioned in the second section of this chapter may be compelled between the owners thereof, in the same manner as though the same were real estate.

Partition of machinery, how compelled.

CHAPTER 161.

OF ESTATES IN REAL PROPERTY.

SECTION

1. Joint tenancy, how must be created.
2. Joint heirs, what.
3. Power of tenant in tail to convey and devise.

SECTION

4. Power of non-resident tenant in tail to convey.
5. Tenant for life absent, &c., seven years, remainder, &c., hastened.
6. Aliens may hold real estate, &c.

Joint tenancy,
how must be
created.

SECTION. 1. All gifts, grants, feoffments, devises, and other conveyances of any lands, tenements, and hereditaments, which shall be made to two or more persons, whether they be husband and wife or otherwise, and whether for years, for life, in tail, or in fee, shall be taken, deemed, and adjudged to be estates in common and not in joint tenancy; unless it is or shall be therein expressly said that the grantees, feoffees, or devisees shall have or hold the same lands, tenements, or hereditaments, as joint tenants or in joint tenancy, or to them and the survivors or survivor of them; or unless other words be therein used manifestly showing it to be the intention of the parties to such gifts, grants, feoffments, devises, or other conveyances, that such lands, tenements, and hereditaments shall vest and be holden as joint estates, and not as estates in common.

SEC. 2. Joint heirs shall be deemed tenants in common.

Joint heirs,
what.

Power of ten-
ant in tail to
convey and de-
vise.

SEC. 3. Any person seized of an estate in fee-tail may convey the same in fee-simple, by his last will and testament, or by deed duly executed under his hand and seal, and acknowledged before the supreme court, or any court of common pleas in this state; and such conveyance shall vest an estate in fee-simple in the grantee, his heirs, and assigns, and shall bar the tenant in tail, his heirs, and assigns, and all others who may claim the same in remainder or reversion, expectant upon the determination of such estate tail.

Power of non-
resident tenant
in tail to con-
vey.

SEC. 4. Any person, not resident in this state, being seized of an estate in fee-tail, situate within this state, may convey the same in fee-simple, by deed duly executed under his hand and seal, and acknowledged before some person specially commissioned by the supreme court to take such acknowledgment, according to instructions contained in his commission; and afterwards, upon the return of such commission and deed to said court, certified by such court, under its seal, to be so acknowledged; and such conveyance shall vest an estate in fee-simple in the grantee, his heirs, and assigns, and shall bar the tenant in tail and all others who may claim the same in remainder or reversion, expectant upon the determination of such estate tail.

Tenant for life
absent, &c.,
seven years,
remainder, &c.,
hastened.

SEC. 5. If any person shall be absent from this state for the term of seven years without due proof of his being alive, for whose life any estate shall be holden by himself or any other person, the person claiming the remainder or reversion of such estate, expectant upon the death of such person so absent as aforesaid, shall and may enter upon such estate and hold the same according to his title, or until such absent person shall return to this state, or due proof shall be made of his being alive.

Aliens may
hold real es-
tate, &c.

SEC. 6. Aliens may take, hold, convey, and transmit title to real estate, and may sue for and recover possession of the same, in the

same way, and with the same effect, as if they were native born citizens of the United States.

CHAPTER 162.

OF THE CONVEYANCE OF REAL ESTATE.

SECTION

1. Conveyances, &c., made in fraud of creditors, declared void.
2. What deeds transfer possession without livery.
3. Estate of freehold, or over one year in land, how conveyed.
4. Deeds conveying, to be acknowledged and recorded.
5. Town clerk to minute on, when received for record.

SECTION

- 6 and 7. Remedy against grantor refusing to acknowledge.
8. Deed how proved if grantor dies or removes before acknowledging.
9. Deeds executed out of state and within United States, how acknowledged.
10. Deeds executed without United States, how acknowledged.

SECTION 1. Every gift, grant, or conveyance of land, tenements, hereditaments, goods, or chattels, or of any rent, interest, or profit out of the same by writing or otherwise, and every note, bill, bond, contract, suit, judgment, or execution, had or made and contrived of fraud, covin, collusion, or guile, to the intent or purpose to delay, hinder, or defraud creditors of their just and lawful actions, debts, suits, accounts, damages, or just demands of what nature soever, or to deceive or defraud those who shall purchase *bonâ fide* the same lands, tenements, hereditaments, goods, or chattels, or any rent, interest, or profit out of them, shall be henceforth deemed and taken as against such person or persons, his, her, or their heirs, successors, executors, administrators, or assigns, and every of them, whose debts, suits, demands, estates, rights, or interests by such guileful and covinous devices and practices as aforesaid shall or may be in any wise injured, disturbed, hindered, delayed, or defrauded, to be clearly and utterly void, any pretence, color, feigned consideration, expressing of use, or any other matter or thing to the contrary notwithstanding.

Conveyances, &c., made in fraud of creditors, declared void.

SEC. 2. A deed of bargain and sale, of lease and release, covenant to stand seized to an use, or operating by way of covenant to stand seized to an use, or any other deed signed, sealed, delivered, and acknowledged by the party having good and lawful right and authority to the possession, shall transfer the possession of the bargainor, releasor, grantor, or covenantor, to the bargainee, releasee, grantee, or person entitled to the use of the estate or interest which such person hath or shall have in the use, without livery of seizin, or any other act or ceremony whatever.

What deeds transfer possession without livery.

SEC. 3. No estate of inheritance or freehold, or for a term exceeding one year, in lands or tenements, shall be conveyed from one to another by deed, unless the same be in writing, signed, sealed, and delivered by the party making the same, and acknowledged before a senator, judge, justice of the peace, notary public, or town clerk, by the party or parties who shall have sealed or delivered it; and if the person conveying the same shall be without this state, in the military

Estate of freehold, or over one year, in land, how conveyed.

or naval service of the United States, the same may be acknowledged before any colonel, lieutenant-colonel, or major in the army, or before any officer in the navy not below the grade and rank of lieutenant-commander; and such conveyance shall be recorded, or lodged to be recorded, in the office of the town clerk of the town where the said lands or tenements lie.

Deeds conveying, to be acknowledged and recorded.

SEC. 4. All bargains, sales, and other conveyances whatsoever of any lands, tenements, or hereditaments, whether they be made for passing any estate of freehold or inheritance, or for term of years, exceeding the term of one year, and all deeds of trust and mortgages whatsoever, which shall hereafter be made and executed, shall be void unless they shall be acknowledged and recorded as aforesaid: *Provided*, that the same, between the parties and their heirs, shall nevertheless be valid and binding.

Town clerk to minute on, when received for record.

SEC. 5. Whenever any deed, lease, covenant, bond of defeasance, or other instrument whatever, touching the transfer or conveyance of any such real estate, shall be presented to any town clerk for record, such town clerk immediately thereupon shall cause to be entered in writing on such deed or other instrument the day, the hour, and minute, when the same was presented for record.

Remedy against grantor refusing to acknowledge.

SEC. 6. If the grantor of any lands, tenements, or hereditaments shall refuse to acknowledge his deed or conveyance by him signed, sealed, and delivered, being thereunto required by the grantee, his heirs, or assigns, any judge or justice of the peace within the town where the grantor dwells, on complaint in writing made by the grantee, his heirs, or assigns, and supported by the oath of the complainant, may issue a warrant against the party refusing, and examine him touching such refusal; and if he shall persist in such refusal, commit him to prison without bail, until he shall acknowledge the same, unless he shall appeal to the supreme court at the term thereof next to be holden in and for the county in which such examination shall be had.

Same subject.

SEC. 7. In case of such appeal, the appellant shall give bond with surety for his appearance, and for the prosecution of his appeal with effect; and the grantee may file a copy of his deed in the town clerk's office, pending such appeal; and the same being so filed, shall be equally available to the party during the pendency of such appeal as if the said deed were acknowledged and recorded as above directed; and the same shall be accounted sufficient caution to all persons, against purchasing the estate in such deed mentioned to be conveyed.

Deed, how proved if grantor dies or removes before acknowledging.

SEC. 8. Whenever any grantor, after the execution of the deed, shall die or remove out of the state before the same shall be acknowledged, the said deed may be proved by the oath of one or more of the witnesses to such deed, if any there be; but if there be no witnesses to such deed, then the handwriting of the grantor may be proved by other sufficient evidence before the supreme court, or any court of common pleas within this state; and such proof shall be equivalent to the party's acknowledgment.

Deeds executed out of state, and within United States, how acknowledged.

SEC. 9. Every conveyance of lands being within this state, or any instrument relating thereto, executed without the limits of this state, and within the United States, may be acknowledged before any judge, justice of the peace, mayor, or notary public in the state where the same is executed, or by any commissioner appointed by the governor, and duly qualified thereunto; and if without the limits of the United States, before any ambassador, minister, charge des affaires, consul, vice-consul, or commercial agent of the United States, or by any

commissioner appointed and qualified as aforesaid, in the country in which such deed or instrument is executed.

SEC. 10. Every conveyance of lands lying within this state, or any instrument relating thereto, executed without the limits of the United States, to which any ambassador, minister, charge des affaires, consul, vice-consul, commercial agent of the United States, or commissioner appointed by the governor, shall be grantor, may be executed in the presence of two witnesses; and an official certificate, under the hand and official seal of the grantor, that such deed or instrument is his act and deed, shall be equivalent to an acknowledgment of such deed or instrument, in the manner required by law.

Deeds executed without United States, how acknowledged.

CHAPTER 163.

OF CERTAIN INDIAN GRANTS, AND GRANTS OF LAND BY THE COLONIES OF NEW PLYMOUTH, AND OF THE MASSACHUSETTS, AND OF THE PROVINCE OF THE MASSACHUSETTS BAY.

SECTION

1. Indian grants of lands in Newport, Providence, Portsmouth, Warwick, and Westerly, confirmed. Grants of lands by New Plym-

SECTION

outh and Massachusetts, in Bristol, Tiverton, Little Compton, Warren, and Cumberland, confirmed.

SECTION 1. The two following acts, the first passed in May, 1682, and the second in January, 1746, are continued in force as they have heretofore been:—

An act confirming the grants heretofore made by the inhabitants of the towns of Newport, Providence, Portsmouth, Warwick, and Westerly.

Whereas, in the fifteenth year of the reign of Charles the Second, there was a charter granted to this state of Rhode Island and Providence plantations, in which were contained many privileges to the free inhabitants thereof; and among other of the said privileges there was granted to the general assembly of said state full power and authority to make and ordain laws suiting to the nature and constitution of the place, and in particular to direct, rule, and order all matters relating to the purchases of land of the native Indians; and whereas the lands of the several towns of Newport, Providence, Portsmouth, Warwick, and Westerly were purchased by the several inhabitants thereof of the native Indians, chief sachems of the country, before the granting of the said charter, so that an order or direction from the said assembly could not be obtained therein; and it being thought necessary and convenient for the reasons aforesaid that the lands of the said towns be, by an act of the general assembly of this state, confirmed to the inhabitants thereof, according to their several and respective rights and interests therein:—

Preamble.

SECTION 1. *Be it enacted by the general assembly, and by the authority thereof it is enacted,* That all the lands lying and being within the limits of each and every of the aforesaid towns of New-

Indian grants of lands in Newport, Providence, Ports-

mouth, Warwick, and Westerly, confirmed.

port, Providence, Portsmouth, Warwick, and Westerly, according to their several respective purchases thereof, made and obtained of the Indian sachems, be and are hereby allowed of, ratified, and confirmed to the proprietors of each of the aforesaid towns, and to each and every of the said proprietors the several and respective rights and interest therein, by virtue of any such purchase or purchases as aforesaid; to have and to hold all the aforesaid lands by virtue of the several purchases thereof, with all the appurtenances, privileges, and commodities thereunto belonging, or in any wise appertaining to them, the aforesaid proprietors, their heirs, and assigns forever, in as full, lawful, large, and ample manner to all intents, constructions, and purposes whatsoever, as if the said lands and every part thereof had been purchased of the Indian sachems, by virtue of any grants or allowances obtained from the general assembly of this state after the granting the aforesaid charter.

An act quieting possessions and establishing title of land within the towns of Bristol, Tiverton, Little Compton, Warren, and Cumberland.

Grants of lands by New Plymouth and Massachusetts, in Bristol, Tiverton, Little Compton, Warren, and Cumberland, confirmed.

SECTION 1. *Be it enacted by the general assembly, and by the authority thereof it is enacted,* That all grants and conveyances of land heretofore made by the general assemblies of the late colony of New Plymouth, the late colony of the Massachusetts, or by the province of the Massachusetts Bay, or by any commissioners, agents, or persons by them or any of them duly appointed and authorized, or by any other authority derived from them, or any of them, lying within any of the towns aforesaid, shall be as good, valid, and effectual, to all intents and purposes whatsoever, to the grantees, their heirs, or assigns, as if the lands so granted had really been situated in the colony or province by whom or by whose authority the same were made, and shall forever hereafter be so adjudged and construed in all courts of judicature in this state.

Same subject.

SEC. 2. *And be it further enacted,* That all estates both real and personal left by persons who have died intestate before the publication of this act, and which lie or are within the bounds of the aforesaid towns, shall be distributed and settled among the children or legal representatives of such intestates, agreeably to the laws of the province of the Massachusetts Bay in force at the time of such intestates' death; which laws shall have the same force and effect in this state, in the trial of and settling and distributing such intestates' estates, as if the same were laws of this state duly made, and shall be so adjudged, construed, and understood by all judges and ministers of justice in this state; and that the several town councils of the above-mentioned towns be and they are hereby fully empowered and required to complete the distribution and settlement of such intestates' estates as aforesaid, which yet remain unsettled, in the same manner, and as fully and effectually in all respects, as the same could have been by the courts of probate had the said towns still remained within the province of the Massachusetts Bay.

Same subject.

SEC. 3. *And be it further enacted,* That all grants, deeds, conveyances, and land evidences whatsoever, that have heretofore been made of any lands within any of the aforesaid towns, and which were executed and registered according to the laws in force there at the time of making the same, shall be adjudged and deemed as good, valid, and effectual, to all intents and purposes whatsoever, as if the same

had been made, executed, and recorded within and according to the laws of this state; and copies of all such grants, deeds, conveyances, and land evidences, produced from and attested by such offices and officers where the same are registered, shall be received as lawful evidence by all courts in this state.

CHAPTER 164.

OF TITLE BY POSSESSION.

SECTION

1. Grants by general assembly confirmed.
2. Twenty years' possession makes title; and of pleading same.
3. Saving of statute in case of infants, those *non compos*, femes covert, those imprisoned or beyond limits of United States.
4. Adverse possession, how to be proved, in suits in which title to real estate, &c., is claimed thereby.
5. Easement of light and air, what

SECTION

- not acquired by erection of house with windows, &c.
6. Right of foot way, unless claimed with right to pass with carriages, not acquired by prescription, &c.
7. Of proceedings by notice, &c., to prevent the acquiring by another of right in land, by use of way, easement, or privilege.
8. Effect of such notice.
9. Saving of rights of the shore.
10. Telegraph poles, &c., restriction on, effect of maintaining.

WHEREAS, at the first settling of this state, and for sundry years afterwards, lands were of little or no value, and skilful men in the law were much wanted, whereby many deeds, grants, and conveyances were weakly made, which may occasion great contests in law if not timely prevented; therefore,

Preamble.

SECTION 1. All grants, charters, and conveyances heretofore made by the general assembly unto any town, corporation, community, or propriety, or to any other person or persons whomsoever, shall be, and they hereby are ratified and confirmed as good and effectual to all intents and purposes in law, for the conveying all such lands, tenements, hereditaments, rights, privileges, and profits as are therein mentioned, to the said towns, corporations, communities, proprieties, person or persons, and to their respective successors, heirs, and assigns, forever.

Grants by general assembly confirmed.

SEC. 2. Where any person or persons, or others from whom he or they derive their title, either by themselves, tenants, or lessees, shall have been for the space of twenty years in the uninterrupted, quiet, peaceable and actual seizin and possession of any lands, tenements, or hereditaments, for and during the said time, claiming the same as his, her, or their proper, sole, and rightful estate in fee-simple, such actual seizin and possession shall be allowed to give and make a good and rightful title to such person or persons, their heirs and assigns forever; and any plaintiff suing for the recovery of any such lands may rely upon such possession as conclusive title thereto; and this chapter being pleaded in bar to any action that shall be brought for such lands, tenements, or hereditaments, and such actual seizin and possession being duly proved, shall be allowed to be good, valid, and effectual in law, for barring such action.

Twenty years' possession to make title.

Of pleading same.

Saving of statute, in case of infants, persons *non compos*, femes covert, imprisoned, or beyond limits of United States.

SEC. 3. Nothing in this chapter shall be construed, deemed, or taken to extend to prejudice the rights and claims of persons under age, *non compos mentis*, femes covert, or those imprisoned, or those beyond the limits of the United States; they bringing their suit therefor within the space of ten years next after such impediment is removed, or to bar any person or persons having any estate in reversion or remainder, expectant or depending, in any lands, tenements, or hereditaments, after the end or determination of the estate for years, life or lives; such person or persons pursuing his or their title by due course of law within ten years after his or their right of action shall accrue.

Adverse possession, how proved in suits involving title to real estate.

SEC. 4. In all suits hereafter brought in which title to any easement in real estate shall be claimed by virtue of adverse possession of the same for the period of twenty years, or by prescription, the use of the same shall not be admitted as evidence that the party claimed the easement as his right, but the fact of adverse possession shall be proved by evidence distinct from and independent of the use; and that the party against whom the claim is made had express notice thereof; and these provisions shall apply to public as well as private claims.

Easement of light or air, when not acquired, &c.

SEC. 5. Whoever has erected, or may erect, any house or other building near the land of another person, with windows overlooking such land, shall not, by mere continuance of such windows, acquire any easement of light or air, so as to prevent the erection of any building thereon.

Rights of footway, when not.

SEC. 6. No right of footway, except claimed in connection with a right to pass with carriages, shall be acquired by prescription, or adverse use for any length of time.

Of proceedings by notice, &c., to prevent the acquiring by another of right in land, by use of way, easement, or privilege.

SEC. 7. Whenever any person shall be in the use of a way, or other easement or privilege in the land of another, the owner of the land in such case may give notice in writing to the person claiming or using the way, easement, or privilege, of his intention to dispute any right arising from such claim or use, and such notice served and recorded as hereinafter provided shall be deemed an interruption of such use, and prevent the acquiring of any right thereto by the continuance of such use for any length of time thereafter. Such notice, signed by the owner of the land, his guardian, or agent, may be served like a summons in a civil action on the party, his agent, or guardian, if within this state, otherwise on the tenant or occupant, if there be any; such notice, with the return thereon, shall be recorded within three months thereafter in the records of deeds of the town in which the land is situated, and a copy of such record, certified by the town clerk to be a true copy of the record of such notice, and the officer's return thereon, shall be evidence of the notice, and of the service of the same.

Effect of such notice.

SEC. 8. Whenever notice is given to prevent the acquisition of a right to a way or other easement as aforesaid, such notice shall be considered so far a disturbance of such right or claim, as to enable the party claiming to bring an action of the case for disturbing the same, in order to try such right; and if the plaintiff in such suit prevails, he shall recover full costs.

Saving of rights of the shore.

SEC. 9. Nothing herein contained shall affect any rights of the shore to which the people of this state are now entitled under the charter, constitution, or by law, or be construed to apply to any preceding action.

SEC. 10. No enjoyment by any persons, companies, or corporations

for any length of time, of the privilege of maintaining telegraph posts, wires, or apparatus in, upon, or over any lands or buildings of other persons or corporations, shall confer a legal right to the continued enjoyment of such easement, or raise any presumption of a grant thereof.

Telegraph poles &c., restriction on, effect of maintaining.

CHAPTER 165.

OF MORTGAGES OF REAL AND PERSONAL PROPERTY.

SECTION

1. Bond of defeasance, &c., to be recorded, &c., when and where.
2. Effect of, if not recorded.
3. Mortgages of real estate, redeemable upon what terms.
4. Right of redemption of, when barred, by possession under process.
5. Certificate of delivery of possession, by whom given, and how acknowledged.
6. Mortgage, how may be discharged on the record, &c.
7. Mortgagee, &c., when and how

SECTION

- liable for not discharging of record, &c.
8. Other discharges good.
9. Mortgages of personal property, when and how far invalid, unless recorded.
10. How to be recorded.
11. When redeemable at law.
12. How to be redeemed at law.
13. How to be redeemed in equity.
14. Of foreclosure of mortgages on real and personal estate.
15. Of the right of mortgagee to bid at mortgage sale.

SECTION 1. Whenever any bond of defeasance or other instrument shall be executed, which shall cause any deed or other conveyance of lands, tenements, or hereditaments to operate as a mortgage, or to pass an estate redeemable, such bond or other instrument shall be recorded in the office of the town clerk in the town where such lands, tenements, and hereditaments are situated.

Bond of defeasance, &c., to be recorded, &c., when and where.

SEC. 2. If the person entitled to such bond of defeasance or other instrument shall neglect to cause the same to be lodged or recorded as aforesaid, the same shall not cause the deed to which it relates to operate as a mortgage against any person who shall *bonâ fide*, and without notice of such incumbrance, purchase the real estate conveyed in such deed, of the person to whom the same was made; and the person entitled to the same as aforesaid shall be barred of all right of redemption against such second purchaser, his heirs, or assigns.

Effect of, if not recorded.

SEC. 3. All real estates conveyed or pledged by mortgage, or deed of bargain and sale with defeasance, shall be redeemable by the mortgagor or vendor, his heirs, executors, administrators, or assigns, on paying the moneys borrowed thereon, with interest, or performing the condition on which the same was conveyed or mortgaged, deducting the rents and profits the mortgagee or any under him may have received over and above the taxes and assessments paid out, and suitable repairs, insurance, and improvements made by him or them, and all other necessary expenses in the care and management of the premises.

Mortgages of real estate, on what terms redeemable.

SEC. 4. No mortgagor, his heirs, executors, administrators, or assigns shall be allowed to redeem any mortgaged real estate, but shall be forever barred and foreclosed of all equity and right of redemption therein, unless such mortgagor, his heirs, executors, administra-

Right of redemption of, when barred, by possession under process.

tors, or assigns shall pay to the mortgagee, his heirs, executors, administrators, or assigns the full sum, both principal and interest, due on such mortgage, within three years next after such mortgagee, or other person claiming under him, shall, by process of law, or by peaceable and open entry, made in the presence of two witnesses, have taken actual possession of such mortgaged estate, and continued the same during said term.

Certificate of delivery of possession, by whom given, and how acknowledged.

SEC. 5. Whenever possession shall be taken in the presence of witnesses as aforesaid, they shall give to the mortgagee, or other person taking possession under him, a certificate of such possession being taken; and the person delivering possession shall acknowledge the same to have been voluntarily done, before a justice of the peace in the town where such mortgaged estate lies, which certificate and acknowledgment shall be recorded in the town clerk's office of such town.

Mortgage, how may be discharged on the record, &c.

SEC. 6. Every mortgage of lands, tenements, or other real estate, his heirs, executors, administrators, or assigns, having received full satisfaction for the money due on such mortgage, shall, at the request of the mortgagor, his heirs, executors, administrators, or assigns, and at his or their cost, discharge the same by release under hand and seal, upon the mortgage, or upon the face or margin of the record thereof, or by separate instrument, to be recorded upon the face or margin of the record of the mortgage, or in the proper record book, with suitable references to the original record, which shall forever afterwards discharge, defeat, and release such mortgage, and perpetually bar all actions to be brought thereupon in any court.

Mortgagee, &c., when and how liable for not discharging of record, &c.

SEC. 7. If any mortgagee, his heirs, executors, administrators, or assigns shall not, within ten days after a request made in that behalf, and a tender of all reasonable charges therefor, discharge such mortgage in one of the modes aforesaid, or otherwise make and execute a release and quitclaim of the estate so mortgaged, and acknowledge the same before some proper officer, he or they so refusing shall be liable to make good all damages that shall accrue for want of such discharge or release, to be recovered by an action of the case in a court of record; and in case judgment shall pass against the party sued, he shall pay the plaintiff treble costs upon such suit.

Other discharges good.

SEC. 8. Nothing herein contained shall be construed to defeat, invalidate, annul, or render ineffectual any other legal discharge, payment, satisfaction, or release of any mortgage.

Mortgages of personal property, when and how far invalid, unless recorded.

SEC. 9. No mortgage of personal property hereafter made shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to and retained by the mortgagee; or unless the said mortgage be recorded in the office of the clerk of the town where the mortgagor shall reside, if in this state, and if not, where the property is at the time of making the same: *Provided*, that nothing herein contained shall affect any transfer of property under bottomry or respondentia bonds, or of any ship or goods at sea or abroad, if the mortgagee shall take possession thereof as soon as may be after the arrival of the same in this state.

How to be recorded.

SEC. 10. Every town clerk shall record mortgages of personal property in a book to be by him kept for that purpose, with the time when the same are received and recorded.

When redeemable at law.

SEC. 11. Whenever the condition of any mortgage of personal property has been broken, the mortgagor, or any person lawfully claiming or holding under him, may redeem the same at any time

within sixty days thereafter, unless the property shall in the mean time have been sold, in pursuance of the contract between the parties.

SEC. 12. The person entitled to redeem the property shall pay or tender to the mortgagee, or to the person holding under him, the sum due on the mortgage, with all reasonable and lawful charges and expenses incurred in the care and custody of the property, or otherwise arising from the mortgage thereof; and if the property is not forthwith restored, the person entitled to redeem the same may recover it in an action of replevin, or may recover such damages as he may have sustained by the withholding thereof, in any proper action.

How to be redeemed at law.

SEC. 13. Any person entitled in equity to redeem any mortgaged property, whether real or personal, may prefer a bill to redeem the same to the supreme court in the county in which the real estate sought to be redeemed is situated, or in which the mortgagor of personal property may reside, if in this state, and if not, then in any county in this state; which bill may be heard, tried, and determined by said court, according to the usages in chancery, and the principles of equity.

How to be redeemed in equity.

SEC. 14. Any person entitled to foreclose the equity of redemption in any mortgaged estate, whether real or personal, may prefer a bill to foreclose the same to the supreme court sitting in the county in which such premises are situated, if such premises are real estate, and if personal, then in the county in which the mortgagor may reside, if in this state, and if not, then in any county in this state; which bill may be heard, tried, and determined by said court, according to the usages in chancery, and the principles of equity.

Of foreclosure of mortgages on real and personal estate.

SEC. 15. At any sale by public auction, made under and according to the provisions of any deed of mortgage, mortgage bill of sale, or other conveyance by way of mortgage, or of any power of sale contained therein, or annexed thereto, the mortgagee in such deed of mortgage, or other conveyance, his or their assigns, or his or their legal representatives, or any person for him or them, may fairly and in good faith bid for and purchase such estate or property so put up for sale, or any part thereof, in the same manner as the same may be bid for and purchased by any other persons: *Provided*, that notice in writing of the mortgagee's intention to bid shall be given to the mortgagor, or left at his last and usual place of abode, twenty days prior to the time of sale at which he proposes to bid as mortgagee, and that proper evidence that such notice has been given shall be in the possession of the auctioneer at the time the sale takes place.

Of the right of mortgagee to bid at mortgage sale.

CHAPTER 166.

OF THE LIEN OF MECHANICS.

SECTION

- 1. Lien of mechanic contracting with owner of land.
- 2. Lien of, in case of contract with lessee.
- 3. Lien of, in case of contract with

SECTION

- one owning less than a freehold in land.
- 4. Lien under written contract, when lost, without commencement of legal process.

SECTION

5. When not under written contract, when lost without legal process commenced.
6. Lien of sub-contractor when lost, unless legal process commenced.
7. Legal process, what, and of recording claims.
8. Time of filing claim to be noted.
9. Petition to enforce lien, when and where filed, and what to contain.
10. Of notice on petition.
11. Citation, what to contain, and how served.
12. Of surety for costs on, and consolidation of petitions.
13. Of costs on petitions.

SECTION

14. Petition against corporation, in what county to be filed.
15. Who may contest petition.
16. Of trial and proceedings on petition, and of decree of sale.
17. Proceeds of sale, how applied.
18. Of bond of master in case of sale by.
19. What machinery and fixtures part of mill or building.
20. "Land," how much included.
21. Of incomplete contracts, in case of sale.
22. Of notice of sale, when decreed.
23. Effect of neglect to present claims before master.

Lien of mechanics contracting with owner of land.

SECTION 1. Whenever any building, canal, turnpike, railroad, or other improvement shall be constructed, erected, or repaired by contract with or at the request of the owner thereof, such owner being at the time the owner of the land on which the same then is, or by the husband of such owner with the consent of his wife in writing, such building, canal, turnpike, railroad, or other improvement, together with the said land, is hereby made liable, and shall stand pledged for all the work done in the construction, erection, or reparation of such building, canal, turnpike, railroad, or other improvement, and for the materials used in the construction, erection, or reparation thereof, which have been furnished by any person who had contracted or been requested as aforesaid to construct, erect, or repair the same, before any other lien which shall originate subsequent to the commencement of such erection, construction, or reparation on such land.

Lien of, in case of contract with lessee.

SEC. 2. Whenever any building, canal, turnpike, railroad, or other improvement shall be constructed, erected, or repaired by contract with, or at the request of, any lessee or tenant thereof, or by the husband of such lessee or tenant, with the consent of his wife in writing, the interest and title of such lessee and tenant in the said building, canal, turnpike, railroad, or other improvement, and in the land on which the same is located, shall stand pledged for all the work done and materials used and furnished as aforesaid, in the construction, erection, or reparation of such building, canal, turnpike, railroad, or other improvement, and not the interest or title of the landlord of such lessee or tenant, unless the consent in writing of such landlord is first obtained, assenting to such construction, erection, or reparation, and acknowledging his estate to be also holden for the payment thereof.

Lien of, in case of contract with one owning less than a freehold in land.

SEC. 3. Whenever any building, canal, turnpike, railroad, or other improvement shall be constructed, erected, or repaired by contract; with, or at the request of, the owner thereof, such owner being, at the time, owner of less than a freehold in the land on which the same is located, or by the husband of such owner, with the consent of his wife in writing; and unless such consent in writing shall be given, no lien shall be had either against the husband's or wife's interest in the same; such building, canal, turnpike, railroad, and other improvement, together with the title and interest of the owner thereof, in the land on which the same is located, shall stand pledged for all the work done and material used and furnished as aforesaid, in the construc-

tion, erection, or reparation of such building, canal, turnpike, railroad, or other improvement, and not the interest or title of the owner of the fee in such land, unless the consent in writing of such owner is first obtained, assenting to such construction, erection, or reparation, and acknowledging his estate to be also holden for the payment thereof.

SEC. 4. If such building, canal, turnpike, railroad, or other improvement shall be constructed, erected, or repaired under a written contract, then the lien created by this chapter, in favor of such contractor, for the sums stipulated to be paid on such contract, shall be wholly lost, unless legal process shall be commenced for enforcing the same, in manner hereinafter provided, within four months from the time that any payment on such contract shall become due and payable, if such payment shall not then be made.

Lien under written contract, when legal process must be commenced to enforce.

SEC. 5. No person who shall do work for, and furnish materials to be used in, the construction, erection, or reparation of any building, canal, turnpike, railroad, or other improvement, without written contract, shall have any advantage of any lien therefor created by this chapter, unless he shall commence legal process for enforcing the same, in manner hereinafter provided, within six months from the time of the commencing the doing of such work, or of the commencing the delivery of materials, if payment for the same shall not then be made.

When, if not under written contract.

SEC. 6. No person who shall do work or labor in the construction, erection, or reparation of any building, canal, turnpike, railroad, or other improvement, at the request of any person who had entered into a contract, whether in writing or not, for such construction, erection, or reparation, shall have any lien therefor, unless such person shall, within thirty days after commencing the work, give notice in writing to the person against whose estate or title he claims a lien, that he has commenced the work, and that he shall claim the benefit of the lien created by this chapter; and the lien thereby created shall be wholly lost, unless such person having the same shall, within four months from the time notice shall be given as aforesaid, commence legal process, as is hereinafter provided, to enforce such lien.

Lien of subcontractor when lost, unless legal process commenced.

SEC. 7. The commencement of legal process to enforce the liens thereby created shall be the lodging the account or demand for which the lien is claimed, in the office of the clerk of the town or towns in which the building, canal, turnpike, railroad, or other improvement is situated, with notice to what building, canal, turnpike, railroad, improvement and land, and to what or whose estate in the same, the said account or demand refers; and the said clerk shall record the names of the parties, the amount of the claims, and the notice aforesaid, and the exact time of the filing said account or demand in his office, in a book to be by him kept for that purpose; but the original account need not be recorded, but shall be kept on file.

Legal process, what, and of recording claims.

SEC. 8. Whenever any account or demand is left with any town clerk in pursuance of the next preceding section, the clerk shall note thereon the exact time, as near as may be, when the same was lodged with him as aforesaid.

Time of filing account to be noted.

SEC. 9. At least twenty days before the term of the supreme court in the same county, or in either of the counties, in which the said building, canal, turnpike, railroad, or other improvement shall lie, which shall be holden not less than twenty days next after commencement of legal process as before provided, the person so commencing the same shall file his petition in equity, in the clerk's office of said court, setting forth the particulars of his account or demand, and par-

Petition to enforce lien, when and where filed, and what to contain.

ticularly describing the building, canal, turnpike, railroad, improvement, and land, and the estate and title in the same upon which he claims a lien for such account or demand, and praying that the said lien may be enforced against the same, and that the same may be sold to satisfy the said account or demand, and all other accounts and demands for which the same is pledged and liable by this chapter.

Of notice on petition.

SEC. 10. Upon filing the petition, the clerk shall by advertisement, to be inserted in some public newspaper printed in this state, for at least two weeks, notify all persons having a lien by virtue of this chapter, or a mortgage, or an attachment, or any other claim, on all or any part of the same property, to appear before said court at the then next term thereof, and make out their demands against the same, and shall also issue a citation to the owner of said property, and to each and every person having a mortgage, attachment, or any other conveyance thereof, or of any part thereof on record; also then and there to appear and show cause, if any they have, why such lien should not be allowed and enforced by said court, for the amount claimed.

Citation, what to contain, and how served.

SEC. 11. Such citation shall contain the substance of said petition, and shall be served on said parties by a sheriff or deputy sheriff, at least ten days before the sitting of said court, by leaving an attested copy at the last and usual place of abode of each of the persons to be cited, or by reading the same in their presence and hearing, if they reside in this state, otherwise by publishing a notice thereof in some newspaper printed in this state for at least three times.

Of surety for costs on, and consolidation of petitions.

SEC. 12. If more than one such petition be filed against the same, or any part of the same property, like proceedings shall be had on each, and each petitioner shall give, or be compelled by the court to give, surety for costs, unless he himself be an inhabitant of the state; but all such petitions against the same or any part of the same property, shall be consolidated, after the returns of the citations, and shall proceed as one.

Of costs on petitions.

SEC. 13. The costs of the proceedings shall in every instance be within the discretion of the court, both as between petitioners, and as between each one of them and the respondent.

Petition against corporation, where filed.

SEC. 14. In case a petition shall be filed against any corporation, it shall be filed in the county in which an action against such corporation is required to be commenced.

Who may contest petition.

SEC. 15. It shall be the right of a respondent to any such petition, and of every person claiming to have a lien by virtue of this chapter, on the property described therein or on any part thereof, and of every person claiming an interest therein by mortgage, attachment, or otherwise, to contest, as well the right of the petitioner, and of all others claiming a lien under this chapter to said property or any part thereof, to any such lien, as the amount of the claim.

Of trial and proceedings on petition, and of decree of sale.

SEC. 16. If it shall appear to said court by confession, or on trial, that the petitioner, or any other person, party to the proceedings, claiming to have a lien on said property, or any part thereof by virtue of this chapter, had any legal claim against the same at the time of filing said petition, or of becoming party to the proceedings, said court shall, by themselves, or by a master to be by them appointed for that purpose, proceed to ascertain the exact nature and amount of each claim on said property, or any part thereof, made by or belonging to any person party to the said proceedings, and the order in which, according to equity and good conscience, they should be paid out of said property, and how much of said property, and especially

how much, if any, and what portions of land under and adjoining the same, subject to sale by the provisions of this chapter, should be sold to satisfy such claims; and thereupon said court shall decree the said property, or some part of it, or the interest of the person respondent in such property, or some part of it, at the time the lien accrued, to be sold by and under the direction of a master to be appointed for that purpose, with such instructions, restrictions, and conditions, as they shall give in the premises, regarding therein the interest of the owner and his general creditors.

SEC. 17. The proceeds of such sale, after payment of such costs and incidental charges as shall be allowed by the court, shall be applied by said master, according to his instructions, to the payment of the claims as marshalled and ascertained, and the balance, if any, which shall remain after payment thereof, shall be paid over by the master to the owner of the property sold.

Proceeds of sale, how applied.

SEC. 18. The court may, in its discretion, require of such master, bond or bonds, with surety or sureties, in such sum, and to such person or persons, as they may direct, securing the faithful application of the proceeds of sale, and may from time to time remove any such master on account of any non-compliance with its order or decree, and appoint a new master in his stead.

Of bond of master, in case of sale by.

SEC. 19. All steam-engines and parts thereof, and all boilers, kettles, or vats made of iron, copper, wood, or other materials, whether set in brick or stone, or not so set; and all water wheels, gearing, or shafting, in any mill or building, and there used or intended to be used; and all steam-pipes, gas-pipes, and water-pipes, cocks, and eave troughs made of copper or other metal, attached to any mill or other building, shall, for all the purposes of this chapter, be considered and treated as parts of such mill or other building.

What machinery and fixtures, part of mill or building.

SEC. 20. The word land, as used in the first, second, third, ninth, and sixteenth sections of this chapter, shall be construed to include so much of the land and its appurtenances, under and adjoining such building, canal, turnpike, railroad, and other improvement, belonging to the owner of such building, canal, turnpike, railroad, and other improvement, as the person erecting, constructing, or repairing the same, and furnishing materials as aforesaid for such erection, construction, or reparation, may choose to describe in his commencement of legal process against the same.

"Land," how much included.

SEC. 21. Whenever any such building, canal, turnpike, railroad, or other improvement shall be subject to sale under this chapter, and legal process shall be commenced against the same, any contractor who shall not have fully completed his contract in relation to the erection, construction, or reparation thereof shall thereafter be excluded from completing the same; and such contractor shall have his lien thereon, for the full value of the work done and materials by him furnished.

Of incomplete contracts, in case of sale.

SEC. 22. In every decree of sale, the court shall prescribe the notice that shall be given of such sale, and shall also give therein such instructions and particular directions as each case may require; and upon application to said court at any time, further instructions and directions may be given from time to time in relation thereto.

Of notice of sale, when decreed.

SEC. 23. Every person who shall neglect to present and prove his claim before any master appointed under this chapter, within the time appointed for so doing, shall not be entitled to any distribution or dividend, and shall be debarred of all specific claims against such property, unless the court may direct the same to be sold subject

Effect of neglect to present claims before master.

thereto; but his claim on the party with whom the contract was made, or at whose request the work was done, or the materials furnished, shall not be thereby impaired.

CHAPTER 167.

OF TRUSTS, TRUSTEES, AND TRUST ESTATES.

SECTION

1. Power of the supreme court to appoint, remove, &c., trustees, or new trustees under wills, &c., upon petition in equity.
2. Of the issuing and service of citation upon filing of such petition.
3. Trustee not disqualified because beneficially interested in trust.
4. Legal title to trust estate vested in new trustees, by decree of court.
5. Decree, where to be recorded if trust property real, and where if personal estate.
6. Of proceedings for *cy pres* application of trust property.

Power of supreme court to appoint, remove, &c., trustees, upon petition in equity.

Of the issuing and service of citation, upon filing of such petition.

Trustee, may be beneficially interested in trust.

Legal title to trust estate vested in new trustees, by decree of court.

Decree, where to be recorded.

SECTION

7. Power of supreme court to decree sale of trust property.
8. Power of trustees to submit matters to arbitration.
9. Power and duty of infant trustees to convey their interest in trust estates, under direction of supreme court.
10. Supreme court to make all orders, &c., for disposition of purchase money belonging to such infant trustee.
11. Trustees of railroad corporations, limitation of personal liability of.

SECTION 1. Whenever a will, or other instrument creating a trust, shall not provide for the appointment of a trustee therefor, or for the reappointment of a trustee in case of a vacancy in the office thereof, the supreme court may, upon a petition in equity brought by any person interested in such trust, setting forth the facts, and after due notice to all parties interested therein, do all things in relation to such trustee, his appointment, and removal, as said court might do upon a bill in equity brought for that purpose.

SEC. 2. Upon the filing of any petition for the appointment or removal of any trustee under the provisions of the preceding section of this chapter, the clerk of the court with whom such petition shall be filed shall issue a citation to all parties interested, which citation shall be served in such manner as said supreme court may prescribe.

SEC. 3. Whenever the person creating a trust shall nominate to the court for appointment a trustee who is otherwise qualified, it shall be no objection to his appointment that the person so nominated is beneficially interested in such trust.

SEC. 4. In all cases where trustees shall have been appointed under any instrument creating a trust, by any court of competent jurisdiction, the decree of said court shall vest the legal title to the property devised, bequeathed, or conveyed in trust, absolutely in said new trustees for the purposes of the trust, and no conveyances shall be required to be executed by any former trustee or trustees, or his or their heirs or legal representatives, or by the *cestui que trust* or his representatives, or any other parties, for the purpose of vesting said legal title in said new trustees.

SEC. 5. In case real estate shall constitute any portion of said trust property, a certified copy of the decree of the court appointing

trustees, under the seal of the court making the same, shall be recorded in the town where said real estate lies; and in case personal estate shall constitute said trust property or any portion thereof, a copy of the decree of the court, similarly certified, shall be recorded in the town in which the trustees may reside.

SEC. 6. Whenever a bill of complaint, in any suit brought for the appointment of a trustee, or a new trustee for any charity or charitable or public purpose, shall allege substantially that the purposes expressed by the donor in and by the instrument creating the trust cannot be carried into effect, the prayer of the bill may include, in addition to the other relief asked for, a prayer for a *cy pres* application of the trust property; and thereupon all such proceedings, orders, and decrees shall be had and taken in said suit as well as to said application of the trust property, as to the appointment of a trustee or trustees as aforesaid, with the like effect, and in the same manner, as in a separate suit regularly instituted for each of such purposes; and in case a *cy pres* application shall be so made, said trust property shall vest in the trustee or trustees who may be appointed in the said suit, upon the trusts, and to and for the ends, intents, and purposes, to be expressed and declared in and by the decree by which such appointment shall be made, without the necessity of any conveyance for that purpose; but where any part of the trust property shall consist of real estate, a certified copy of the said decree, under the seal of said court, shall be recorded in the office for the recording of deeds in the town in which such real estate lies; and in case the trust property shall consist of personal estate only, a copy of said decree, sealed and certified as aforesaid, shall be recorded in the office for the recording of deeds in the town in which the trustee or trustees appointed by the said decree, or either of them, shall reside.

Of proceedings for *cy pres* application of trust property.

SEC. 7. Whenever the sale or conveyance of any trust estate shall become necessary or expedient, the supreme court may, in its discretion, upon a suit in equity, decree such sale and conveyance, and the investment, reinvestment, and application of the proceeds thereof, upon such security, and in such manner, as shall best effect the objects of the trust, and be most safe and beneficial for all interested therein; but no sale shall be decreed where the deed or instrument creating the trust prohibits a sale.

Power of supreme court to decree sale of trust property.

SEC. 8. Trustees may enter into a rule of the supreme court, in like manner as other parties, to submit matters in dispute, in relation to the estates represented by them, to arbitration and award.

Trustees may enter into arbitration.

SEC. 9. Whenever any person seized or possessed of any real or personal estate upon any express, implied, resulting, or constructive trust, shall be under the age of twenty-one years, such infant may, by direction of the supreme court in any suit brought therein, convey and transfer the said estate to such person, and in such manner, as the supreme court may direct, and every such conveyance shall pass to the grantee therein all the interest of such infant in the said estate, as effectually as if such infant was of full age at the time of making the same; and in case such infant shall not make such conveyance, he may be compelled to make the same by said court, in like manner as if such infant was of full age.

Power and duty of infant trustees to make conveyances under direction of supreme court.

SEC. 10. The supreme court may make all necessary orders and decrees, for the payment and disposition of money belonging to such infant trustee, which may be payable by any person, upon the making of any conveyance, under the provisions of the preceding section.

Supreme court to order, &c., disposition of purchase money.

Trustees of
railroad corpo-
rations, limita-
tion of personal
liability of.

SEC. 11. Whenever any railroad corporation shall mortgage or convey in trust its railroad or railroad property, or any part thereof, to trustees, for the security of its bondholders or other creditors, or for the security of any class of such bondholders or other creditors, and such trustees shall have taken possession of any railroad or railroad property, in pursuance of any authority contained in their mortgage or deed of trust, and shall take charge of, and operate such railroad or railroad property for the benefit of the creditors for whom such trust was created, such trustees shall not, after the assent of the bondholders as hereinafter provided, be personally liable for any cause or injury arising from the operation of such road, or while they may operate the same (except for their wilful mismanagement), or for any contracts made by them as such trustees, but all such railroad property shall, the bondholders having assented thereto, be liable for the acts and proceedings of such trustees in the execution of their trusts, to the extent of the interest of the said trustees of the bondholders or creditors for whose benefit such trustees may act, and any action or other proceeding therefor shall be brought against such trustees, describing them as such.

TITLE XXIII.

OF COURTS OF PROBATE.

CHAPTER 168. Of the jurisdiction of courts of probate, and of license to sell real estate.

CHAPTER 169. Of applications to, and of citations and notices by, courts of probate.

CHAPTER 170. Of appeals from courts of probate.

CHAPTER 168.

OF THE JURISDICTION OF COURTS OF PROBATE, AND OF LICENSE TO SELL REAL ESTATE.

SECTION

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2. Court of probate of Providence, and power of towns to reconstitute their courts of probate.
3. Power of courts of probate of towns to prove wills and grant administration of residents.
4. Power of, to appoint administrator with will annexed, if executor incapable of discharging trust.

SECTION

5. Power of, to grant administration in case of non-residents.
6. First administration granted, a bar when.
7. Power of courts of, to appoint custodians of property of deceased persons and those under guardianship.
8. Power of, to appoint and approve guardians.
9. To examine and allow accounts of

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10. To license sale of real estate by executors and administrators.
 11. To license sale, &c., of real estate by guardians.
 12. Power of court over petitions for sale of real estate.
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 14. Surplus, in case whole sold, how disposed of.
 15. Of bond of executor, &c., in case of sale.
 16. Of notice in case of auction sale.
 17. Of adjournment of sale.
 18. Of executors, &c., deed in case of sale.
 - 19 and 20. Evidence of notice of sale, what declared to be.
 21. Power of court of probate to authorize sale of real estate of minors, to pay certain debts.
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 authorize guardians to exchange burial lots.
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 25. Power of, to require of, further security.
 26. Power of, to accept resignation of.
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 29. Power of, to cancel old, and require new bond of.
 30. Power of, to discharge surety on bond from further liability.
 31. New bond, when and how to be given in such case.
 32. Of form of new bond; sureties on prior bond liable until new bond approved.
 33. General powers of courts of probate.
 34. Clerk of probate, who.
 35. Duties of clerk.
 36. Of clerk *pro tempore*.

SECTION 1. The town councils shall be courts of probate within their respective towns; the major part of the members elected to be a quorum for doing business, and the major part of those present at any legal meeting to decide upon any matter before them.

SEC. 2. The municipal court of the city of Providence shall be the court of probate for said city; and any city council or any town may, at the annual election of town officers, elect a judge of probate for such city or town, who, upon being engaged, shall, instead of the town council, have the power and be subject to the duties of a court of probate, and be entitled to the fees of such court, and such salary in addition to, or instead of such fees, to be received of such city or town, as the city or town may allow.

SEC. 3. The court of probate of any town may and shall take the probate of wills, and grant administration on the estates of deceased persons who, at the time of their decease, were inhabitants of or residents in the town, and of other persons not having any residence in this state and who die without the state, leaving estate to be administered within such town.

SEC. 4. If the executor named in any will, at the time when the same is offered for probate, be insane, or otherwise incapable to discharge the trust reposed in him, the administration may be granted with the will annexed, to such person as the court may think fit.

SEC. 5. Any such court may grant administration on the estates of persons who, at the time of their decease, were not inhabitants of or residents within this state, provided any rights, credits, or estate of such person be found within the state.

SEC. 6. The administration first granted, under the next preceding section, shall bar any other grant of administration, although the de-

Courts of probate, their constitution and mode of action.

Court of probate of Providence, and power of towns to reconstitute their courts of probate.

Power of courts of probate to prove wills, &c., of residents.

Proceedings if executor incapable, &c.

Power of, to grant administration in case of non-residents.

First grant a bar to others.

ceased person may have left rights, credits, or estate in other towns of the state.

Power of, to appoint custodians of property of persons deceased and under guardianship.

SEC. 7. Every court of probate may appoint suitable persons to have the charge and care of the personal property of deceased persons, and of such as are or may be subject to guardianship under such court, who were resident in the town, until letters testamentary or of administration or of guardianship be granted; and may require such persons to give bond to such court, with or without surety, at the discretion of the court.

To appoint and approve guardians.

SEC. 8. Every such court may and shall appoint and approve guardians of the persons and estates, or of the persons only, or of the estates only, of such as are or may be subject to guardianship under such court.

To examine accounts of executors, &c., make partition, &c.

SEC. 9. Such courts may and shall examine, allow, and settle the accounts of executors, administrators, and guardians by them appointed, make partition of estates, and assign dower to widows.

To license sale of real estate by executors and administrators.

SEC. 10. Such courts shall have power to examine into and grant the petitions of executors and administrators, for authority and license to sell, at public auction only, the lands, tenements, and hereditaments of deceased persons, or growing wood, or timber, or stone, or peat, or coal thereon, to pay the debts of such deceased, the expense of their funerals, of supporting their families, and settling their estates, with incidental charges.

To license sale, &c., of real estate by guardians.

SEC. 11. They shall, in like manner, have power to examine into like petitions of guardians to sell, at public or private sale, or to mortgage, like property, or any mixed estates, and all estates of their wards necessary to be conveyed as real estate, to pay their debts, the expense of supporting them and their families, or for any other proper purpose whatsoever, including the making of a better and more advantageous investment, and the settlement of their estates, with incidental charges.

Power of court over petitions for sale.

SEC. 12. The petitions in the two sections next preceding mentioned shall be granted under such restrictions and limitations, and upon such conditions, as are or may be imposed by law, or in addition thereto, as the court granting the same may direct.

Whole estate, when to be sold.

SEC. 13. In case of such petitions, if it should appear that by a sale of only so much of the real estate as was absolutely needed, the residue of the estate, or some specific part thereof, would be so much injured as to render the sale of the whole estate more advantageous to those interested therein, the court may order the whole, as well as any specific part thereof, to be sold.

Surplus, in case whole sold, how disposed of.

SEC. 14. The surplus, if any, in case of a sale by an executor or administrator, shall be disposed of according to the last will and testament of the testator, or descend to and be inherited by the heirs at law, in the same manner as the real estate sold; and in case of such sale by a guardian, such surplus, or if the sale be made for better investment, the proceeds thereof, invested, shall descend to, and vest in, the heirs of such ward, as the real estate of the ward would have done had no sale thereof been made.

Of bond of executor, &c., in case of sale.

SEC. 15. Every executor, administrator, and guardian empowered to sell as aforesaid, shall, before making sale, give bond with surety to the satisfaction of the court, which bond shall be duly recorded in the court of probate approving the same, in a book to be kept for that purpose, that he will apply the proceeds of such sale to the purposes for which the same was allowed to be made, and invest the same, or the surplus thereof, as the case may be, in other real estate, or in

mortgages on real estate, or in productive stocks, or he may deposit the same on interest with any institution for savings in this state, or in such other manner as the court may direct.

SEC. 16. Before making any such sale at auction, the executor, administrator, or guardian shall give thirty days' public notice thereof, by posting up at least three notifications of such sale in three public places in the town where the real estate or other property to be sold lies, and at least one in each of the adjoining towns, and in the town where the ward dwells, or the testator or intestate last dwelt, or shall publish the same in some public newspaper for four successive weeks, or shall give notice thereof in such other manner, instead of, or in addition to, the above, as the court may direct.

Of notice in case of auction sale.

SEC. 17. The executor, administrator, or guardian may, in his discretion, adjourn any such sale to any future day, whenever he may deem the same advisable, giving notice of such adjournment in the same manner in which notice of the sale was given, as soon as may be after such adjournment, and up to the day of the adjourned sale; unless the adjournment shall be from day to day only, and then by making public proclamation thereof at the time and place of the sale, and by setting up a notice thereof at such place.

Of adjournment of sale.

SEC. 18. Every executor, administrator, or guardian empowered to sell and making sale as aforesaid may and shall, by virtue of such authority, make, sign, and execute, in due form of law, deeds and conveyances of such real estate or property as they shall sell; and such deeds and conveyances shall make as good a title to the purchaser, his heirs, and assigns, as the testator, intestate, or ward, being of full age and of sane mind and memory in his lifetime, might or could have made.

Of executor's, &c., deed in case of sale.

SEC. 19. The affidavit of the executor, administrator, or guardian, or the affidavit of such person or persons as may be by them employed to post up such notifications, taken before the probate court where such executor or administrator derived his authority to administer, within six months next following the sale of the real estate, and there filed and recorded, together with one of the original advertisements of the time, place, and estate to be sold, or a copy of such advertisement, is hereby declared to be one mode, but not the exclusive one, of perpetuating the evidence that such notice was given, and also to make the originals or copies thereof from the clerk of the court of probate admissible evidence in any court of law.

Evidence of notice of sale, what declared to be.

SEC. 20. When the person employed to post such notifications resides more than ten miles distant from such probate court, his deposition respecting the matter, taken before any public officer authorized to take depositions, and filed with the clerk of such probate court, within six months as aforesaid, shall have the same force and effect as if the same was taken before such court as aforesaid; or copies of the original notice printed in a newspaper as aforesaid, certified by the affidavit of such executor, administrator, or guardian, or by some other person, and filed and recorded as aforesaid, shall be another mode, but not the exclusive one, of perpetuating such evidence.

Same subject.

SEC. 21. Whenever a debt is found due, and is allowed by a court of probate, to any person as guardian of a minor, the real estate of such minor, in case his personal estate is insufficient to pay such debt, shall be liable therefor until the expiration of one year after such minor shall have arrived at the age of twenty-one years; and such court may authorize the person to whom such debt is found due and allowed as guardian, to sell at public or private sale, or to mortgage

Power of court of probate to authorize sale of real estate of minor, to pay certain debts.

such real estate, and to convey the same, for the payment of such debt with incidental charges, upon like terms and conditions as are provided by law for the sale or mortgage, and conveyance by a guardian, of the real estate of his ward.

Of settlement of accounts, in case of sale.

SEC. 22. In settling the accounts of executors, administrators, and guardians, the courts of probate shall specially examine and adjudge whether they have complied with the requisitions of law, and the directions of the court, in regard to the sale of any lands, or interest in or profit from lands, which belonged to the testator, intestate, or ward.

Power of courts of probate to authorize guardians to change burial lots.

SEC. 23. Courts of probate may authorize and empower guardians appointed or approved by them to exchange any lot of their wards in any burial ground or cemetery within this state, or any right or interest of their wards in any such lot, burial ground, or cemetery, for any other lot, right, or interest in the same, in any other burial ground or cemetery, upon such terms and conditions as said courts may prescribe: *Provided*, that in all such exchanges the title of the lot, right, or interest taken in exchange shall be taken in the name or names of the ward or wards whose lot, right, or interest is given in exchange.

Power of, to remove executors, administrators, and guardians.

SEC. 24. Every such court shall have power, whenever any executor of a last will and testament by such court approved, or any administrator or guardian appointed or approved by such court, shall, by means of absence, sickness, or insanity, become incapable of executing his trust, or shall neglect or refuse to do the duties thereof, or shall waste the estate of his ward, or that on which he administers, on a regular inquiry, to remove such executor, administrator, or guardian from office, and to appoint an administrator or guardian in the place of the person so removed, if such person were sole executor, administrator, or guardian, or the occasion should require.

Power of, to require of, further security.

SEC. 25. Whenever an administration or guardianship bond shall be found insufficient, either in amount or in security, the court of probate who took the same shall require further bond or sureties of the executor, administrator, or guardian; and on his neglect or refusal to give such further bond or sureties, shall remove such executor, administrator, or guardian without further notice, and appoint an administrator or guardian to succeed him.

Power of, to accept resignation of.

SEC. 26. Whenever any administrator or guardian appointed by any court of probate, or any executor of any will approved by any court of probate, shall, in writing, resign his trust to the court appointing him, such court may accept such resignation and appoint a successor, who shall have all the power that the person resigning had; but no resignation shall be accepted until the person resigning shall have settled his accounts with said court.

Successor, when appointed.

SEC. 27. In case the person so resigning shall have been sole executor, administrator, or guardian, such court shall proceed and appoint a successor.

New security required in case of resignation of joint executor, &c.

SEC. 28. In case the person so resigning be joint executor, administrator, or guardian, with some other person not resigning, such person shall be required to give a new bond, in such sum as said court shall deem reasonable, with sureties satisfactory to said court; upon the giving of which he shall have the same powers in relation to the estate of the deceased or ward, that he, together with the person resigning, had jointly; but in case he refuse to give such new bond, said court shall remove him, and appoint a new administrator or guardian in his place.

SEC. 29. Such court may, for cause shown, cancel the bond of any executor, administrator, or guardian, so as to relieve the principal and sureties thereon, and may take or accept a new and sufficient bond in its stead.

Power of, to cancel old and require new bond, of.

SEC. 30. Any surety in a bond given to such court may, upon his petition thereto, be discharged from all further liability, if the court, after due notice to all persons interested, shall see fit.

Power of, to discharge surety.

SEC. 31. In such case the principal shall give a new bond, with such sureties, and within such time, as the court may order, otherwise he may be removed forthwith and without further notice from his trust, and some other person appointed in his stead.

New bond, when and how to be given in such case.

SEC. 32. Whenever a new bond shall be required, the conditions and obligations thereof shall be like those in the prior bond, the sureties of which shall be liable for all breaches in the conditions thereof, until the new bond shall be approved.

Form of; how long former sureties liable.

SEC. 33. Every court of probate shall have power to do and transact all matters and things incidental to the powers hereinbefore granted, and all such other matters and things as are or may be appointed by law.

General power of courts of probate.

SEC. 34. The town clerk of each town and city, unless special provision be made by law or charter to the contrary, shall be the clerk of the court of probate of the town or city.

Clerk of probate, who.

SEC. 35. He shall attend the meetings of such court, record their proceedings, and also all wills, administrations, inventories, accounts, decrees, orders, determinations, and other writings, which shall be made, granted, or decreed upon by the court of probate of such town; and shall have the custody and safe keeping of the seal of said court, and of all the books and papers belonging to the probate office, and shall not act as attorney before the court of which he is clerk.

Duties of clerk.

SEC. 36. Whenever the clerk of any probate court shall not appear at the time and place appointed for the meeting of the court, such court may appoint a clerk for the time being; who, after being duly sworn, shall perform all the duties, exercise all the powers, enjoy all the emoluments, and be subject to all the requirements granted to, or conferred on, or required of, clerks of probate courts.

Of clerks *pro tempore*.

CHAPTER 169.

OF APPLICATIONS TO, AND OF CITATIONS AND NOTICES BY, COURTS OF PROBATE.

SECTION

1. Application to be in writing and signed.
2. In what cases notice to parties interested must be given.
3. In what cases, notice discretionary.
4. Modes of notice.
5. Of notice by clerk.
6. Of notice by assent of parties.

SECTION

7. Of notice on application to appoint guardian of an inmate of an insane asylum.
8. Of notice on petition to remove executor, &c.
9. Of notice of settlement of account of executor, &c., embracing proceeds of sale of real estate.

SECTION 1. Every application, petition, or complaint to a court of probate shall be in writing, and signed by, or in behalf of, the party making the same.

Applications to be in writing and signed.

In what cases notice to be given.
Granting administration.
Approving, &c., will.
Appointing guardians.
Removing, &c., executors, &c.
Resignation, &c., of.
Decree on account of.
Order on commissioners' report.
Distribution, &c.
Petitions to sell real estate.

Cancelling bonds.

In what cases, notice discretionary.

Modes of notice.

Citation.

Advertisement.

Posting up of notice.

Of notice by clerk.

Of notice by assent of parties.

Of notice on application to appoint guardian of an inmate of an insane asylum.

SEC. 2. Every court of probate shall, before proceeding, give notice to all parties, known to be interested, in the following cases : —

1. In the granting of letters of administration.
2. In the approving or disapproving of any last will and testament.
3. In the appointment of guardians of all persons.
4. In any complaint for the removal of any executor, administrator, or guardian.
5. In the acceptance of the resignation of any executor, administrator, or guardian.
6. In the making of any decree upon any executor's, administrator's, or guardian's account.
7. In the making of any order upon the report of commissioners, on any estate represented insolvent.
8. In the making of any order of distribution among the next of kin of any deceased person.
9. In the granting of any petition of an executor, administrator, or guardian, for the sale of any real estate of the testator, intestate, or ward.
10. In the cancelling of the bond of any executor, administrator, or guardian.

SEC. 3. In all other cases in which notice is not, or shall not be, by law required to be given to parties known to be interested, such court shall, previous to proceeding, give such notice in their discretion only.

SEC. 4. In all cases not specially provided for, in which notice is required, it may be given in either of the following modes, at the discretion of the court : —

1. By causing a citation to be served by some sheriff, deputy sheriff, town sergeant, or constable, upon all known parties interested, at least seven days previous to proceeding; which citation shall give notice of the subject matter of the proceeding, and of the time and place thereof, and shall be served by reading the same to the parties, if to be found, or by leaving an attested copy thereof at the last and usual place of abode of each of them.
2. By advertisement of such notice for fourteen days, once a week at least, in some newspaper printed in the state.
3. By causing the clerk of the court to post up such notice in some conspicuous place in his office, or in the place at which the court usually meets, and in three other public places within the town, at least fourteen days before proceeding.

SEC. 5. If it shall appear to the court, before proceeding, that notice has been given to all known parties interested, by the clerk, upon application to him made, in one of the above modes, and that mode be satisfactory to the court, it shall be sufficient to warrant proceeding.

SEC. 6. If all parties interested in the order or decree shall have given their assent, in writing, to the court's proceeding, at a time and place named in the writing, to determine in the premises, it shall be sufficient to warrant proceeding.

SEC. 7. Whenever application shall be made for the appointment of a guardian of any inmate of any asylum for the insane, whether such asylum be situated within or without this state, the court of probate to which such application shall be made shall order personal notice to be served upon such person in such insane asylum, which notice, if to be served within this state, shall be served by any officer

now authorized by law to make service of the same; but if such notice is to be served without this state, the same may be served by any disinterested person, who shall return thereon upon oath that he has made service thereof: *Provided, however,* that before any such officer or disinterested person shall make service of any such notice, they shall apply to the physician in charge of the asylum where the person upon whom the notice to be served is confined; and if said physician shall return upon oath on the back of such notice, that in his opinion it will be injurious to the mental health of such person to have said notice served upon such person, the officer or person charged with the service of said notice shall leave a copy thereof, with the physician's return thereon, with the keeper of the said insane asylum, and shall return the said notice to the court which issued the same, without further service; and upon such return being made, the court before which such application shall be pending shall cause further notice of the pendency of such application to be given, by publishing the same in some newspaper published in the county where such application shall be pending, for at least three weeks, and then the said court may proceed, having first appointed a guardian *ad litem* for such insane person, to act upon such application, with the same effect in all respects as if personal notice had been served upon the inmate of such insane asylum in the first instance.

SEC. 8. Whenever complaint shall be made by any person interested, or who has been injured or exposed to injury, or by the surety, in any executor's, administrator's, or guardian's bond, for the removal of such executor, administrator, or guardian, a citation shall issue to such executor, administrator, or guardian, embodying the substance of the complaint against him, or a copy thereof annexed to such citation, and the citation shall be in the form, and shall be served as provided, in the first clause of the fourth section of this chapter.

SEC. 9. The notice given before settling the account of any executor, administrator, or guardian, which contains a credit of the proceeds of any sale of any land which belonged to the testator, intestate, or ward, or of any wood, timber, stone, peat, or coal, from or on such land, shall state that the account to be settled contains such credit.

Of notice on petition to remove executor, &c.

Of notice of account of executor, &c., with credit of sale of real estate, &c.

CHAPTER 170.

OF APPEALS FROM COURTS OF PROBATE.

SECTION

1. Appeal, by what person, to what court, and term of court, taken.
2. Appeal, within what time to be claimed, and of appeal bond.
3. Of reasons of appeal, service of, and of citation.

SECTION

4. Appeals, when to be proceeded with, and how tried.
5. Of complaint for confirmation of order, upon neglect to prosecute appeal.
6. Effect of appeal upon decree below, generally, and in certain cases.

SECTION 1. Any person aggrieved by any order, determination, or decree of any court of probate, may, unless provision be made to the contrary, appeal therefrom to the supreme court, at the term thereof to be holden in the same county next after the rendition of said order,

Appeal, by whom and to what court taken.

determination, or decree, if said term do not commence within sixty days of said time, and if it do so commence, then at said term, or at the next succeeding term, of the said court in the same county.

Within what time to be claimed, and of appeal bond.

SEC. 2. Such appeal must be claimed by the aggrieved party within forty days next after such order, decree, or determination shall have been made; and bond shall then be given to such court of probate, with surety satisfactory to such court, or to the clerk thereof, if such court shall not then be in session, to prosecute such appeal with effect, or in default thereof to pay all intervening costs and damages, and such costs as the supreme court shall tax against the appellant.

Of reasons of appeal, service of, and of citation.

SEC. 3. The person so appealing shall, within ten days after giving bond as provided in the preceding section, file his reasons of appeal in the office of the clerk of the court appealed to; and shall cause the adverse party to be served with a copy thereof, and to be cited, at least ten days before the sitting of the court appealed to, that such party may prepare to answer the same.

Appeals, when to be tried.

SEC. 4. Appeals shall be proceeded upon at the term of the supreme court at which they shall be entered. If a matter of fact be in controversy, the same shall be tried by a jury, if either party request it.

Of complaint for confirmation of order, upon neglect to prosecute appeal.

SEC. 5. If the party appealing give bond as aforesaid, but shall neglect to prosecute said appeal in manner aforesaid, the supreme court, upon the complaint of any person interested in the order, determination, and decree appealed from, may affirm the same, and pass such further decree or order as may be necessary to carry the same into full effect.

Effect of appeal upon decree below.

SEC. 6. In case any order, decree, or determination of any court of probate shall be appealed from, the operation of such order or decree shall be suspended, until the same shall be affirmed by the supreme court: *Provided*, that if the decree shall be for granting letters testamentary, of administration, or guardianship, the executor, administrator, or guardian, on giving bond according to law, shall have power to collect, receive, and take possession of all the rights, credits, and estates of the testator, intestate, or ward, which by law he could have collected, received, or taken possession of, provided no appeal had been made; and to take proper care of the ward and his family during the pendency of such appeal.

TITLE XXIV.

OF THE ESTATES OF DECEASED PERSONS.

CHAPTER 171. Of wills.

CHAPTER 172. Of the probate of wills.

CHAPTER 173. Of the administration of testate and intestate estates.

CHAPTER 174. Of the inventory and assets of estates of deceased persons.

CHAPTER 175. Of insolvent estates of deceased persons.

CHAPTER 176. Of descent, distribution, division, and advancement.

CHAPTER 177. Of estates of persons dying without known heirs, and of

unclaimed shares of, and debts against, estates of deceased persons and wards.

CHAPTER 178. Of debts and charges against the estates of deceased persons, and of legacies, and of actions for the recovery of the same.

CHAPTER 179. Of the settlement of accounts of executors and administrators.

CHAPTER 180. Of the bonds of executors and administrators, and of suits thereon.

CHAPTER 171.

OF WILLS.

SECTION

1. Who may make wills, and how and what may devise.
2. Of estates tail by devise.
3. Husband's curtesy saved from wife's will.
4. Legal requisites of a devise.
5. Effect of devise without words of limitation.
6. Devise, how may be revoked.
- 7 and 8. Wills of personal estate, by whom, and how, may be made.
9. Wills effectual, if executed in conformity with law existing at time of execution.
10. Wills of soldiers and sailors.

SECTION

11. Provision in lieu of dower, when to be rejected.
12. Right of child born after execution of will of parent.
13. Estate undisposed of by will deemed intestate.
14. Rights of lineal descendant of devisee, &c., dying before testator.
15. Witnesses of will interested in, to lose devise or bequest, and prove.
16. Exception in favor of creditors whose debts are charged by.
17. Effect of death of witness of.

SECTION 1. Every person of the age of twenty-one years and upwards, and of sane mind, and being lawfully seized of any lands, tenements, or hereditaments, in his own right in fee-simple, fee-tail, or for the life of any other person, or for any other term of time than his own life, shall have a right to give, devise, and dispose of the same, by last will or testament, in writing, to and among his children or others, as he shall think fit; and he may also devise any lands, tenements, or hereditaments, acquired subsequently to the execution of his will, provided his intention to devise the same appears by the express terms of his will.

Who may make wills, and how and what may devise.

SEC. 2. No person seized in fee-simple shall have a right to devise any estate in fee-tail for a longer time than to the children of the first devisee; and a devise for life to any person and to the children or issue generally of such devisee, in fee-simple, shall not vest a fee-tail estate in the first devisee, but an estate for life only, and the remainder shall, on his decease, vest in his children or issue generally, agreeably to the direction of such will.

Of estates tail by devise.

SEC. 3. The will of a married woman shall not impair the rights of her husband, upon her death, as tenant by the curtesy.

Husband's curtesy saved.

SEC. 4. All devises of any lands, tenements, or hereditaments shall be in writing, and signed by the party devising the same, or by some person in his presence and by his express direction; and shall

Legal requisites of a devise.

be attested and subscribed in the presence of the deviser by two or more witnesses, or else shall be utterly void and of no effect.

Effect of devise without words of limitation.

SEC. 5. Whenever any real estate shall be devised to any person without words of limitation, such devise shall be construed to pass the fee-simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

Devise, how may be revoked.

SEC. 6. No devise in writing of any lands, tenements, or hereditaments, or any clause thereof, shall be revocable otherwise than by a marriage of the testator subsequent to the date thereof, or by some other will or codicil in writing, or other writing revoking the same, or by burning, cancelling, tearing, or obliterating the same, by the testator himself, or in his presence and by his direction and consent; but all devises of lands and tenements shall remain and continue in full force until the same be burned, cancelled, torn, or obliterated by the testator, or by his direction, in manner aforesaid; or unless the same be altered by some other will, codicil, or writing, signed, attested, and subscribed in the manner provided for making the will.

Wills of personal estate, by whom,

SEC. 7. Every person being upwards of eighteen years of age, and of sane mind, shall have a right to give and dispose of all his goods, chattels, and other personal estate of every kind, by last will and testament in writing, in the same manner as he is authorized by this chapter, if of twenty-one years of age and upwards, to dispose of real estate.

and how, may be made.

SEC. 8. No will or testament of any goods or chattels, or other personal estate, shall be valid and effectual to convey the same, unless such will or testament shall be in writing, and signed and executed in the manner prescribed in this chapter for the execution of wills of real estate; nor shall any will of goods, chattels, or other personal estate of any kind be revocable, in any other manner than is hereinbefore prescribed for the revocation of wills or testaments of real estate.

Wills effectual, when.

SEC. 9. A will of real or personal estate, made and executed in conformity with the law existing at the time of the execution thereof, shall be effectual to pass such estate.

Wills of soldiers and sailors.

SEC. 10. Any soldier in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate by will, as he might heretofore have done.

Provision in lieu of dower, when to be rejected.

SEC. 11. The widow of any testator, in whose will provision is made for said widow in lieu of her dower, shall, in case of her non-acceptance of such provision, signify the same in writing to the court of probate, within one year from the probate of the will.

Right of child born after execution of will of parent.

SEC. 12. Whenever any child shall be born after the execution of his father's or mother's will, without having any provision made for him in such will, he shall have a right and interest in the estate of his father or mother, in like manner as if the father or mother had died intestate, and the same shall be assigned to him accordingly.

Estate undisposed of, deemed intestate.

SEC. 13. All estate, real and personal, not devised or bequeathed in the last will and testament of any person, shall be distributed in the same manner as if such person died intestate.

Rights of lineal descendant of devisee, &c., dying before testator.

SEC. 14. Whenever any child, grandchild, or other person having a devise or bequest of real or personal estate, shall die before the testator, leaving a lineal descendant, such descendant shall take the estate, real or personal, as devisee or legatee, in the same way and manner as such devisee would have done in case he had survived the testator.

SEC. 15. If any person has attested or shall attest the execution of any will or codicil, to whom any beneficial devise, legacy, estate, gift, or power of appointment of or affecting any real or personal estate, other than and except charges on lands, tenements, or hereditaments, for the payment of any debts, shall be thereby given or made, such devise, legacy, estate, interest, gift, or power of appointment shall, so far only as concerns such person attesting the execution of such will or codicil, or any person claiming under him, be utterly void; and such person shall be admitted as a witness to the execution of such will or codicil, such devise, legacy, estate, interest, gift, or power of appointment, notwithstanding.

Witnesses of will interested in, to lose devise or bequest, and prove.

SEC. 16. In case, by any will or codicil already made, or hereafter to be made, any lands, tenements, or hereditaments are or shall be charged with any debt, and any creditor whose debt is so charged has attested or shall attest the execution of such will or codicil, every such creditor, notwithstanding such charge, shall be admitted as a witness to the execution of such will or codicil.

Exception in favor of creditors, whose debts are charged by.

SEC. 17. In case any devisee or legatee as aforesaid, who has attested the execution of any will or codicil already made, or who shall attest the execution of any which shall hereafter be made, shall die in the lifetime of the testator, or before the probate of such will, such devisee or legatee shall be deemed to have been a legal witness to the execution of such will or codicil, within the intent of this chapter, notwithstanding such legacy or bequest.

Effect of death of witness of.

CHAPTER 172.

OF THE PROBATE OF WILLS.

SECTION

1. Probate of, necessary and conclusive.
2. Duty of custodian of will to deliver same.
3. Will of married woman, residing without this state, where may be proved.
4. Duty of executor to prove and record or to refuse executorship.
5. Penalty upon custodian and executor for neglect of duty.

SECTION

6. Of recording foreign wills.
7. Of notice in case of application to record foreign will.
8. Of duty of court in case of such application.
9. Effect of filing and recording foreign will, and power of court to grant letters on, and take bond.
10. Effect of foreign will limited.

SECTION 1. No will shall be effectual to pass either real or personal estate, unless it has been duly proved and allowed in the court of probate; and the probate of a will devising real estate shall be conclusive as to its due execution, as in case of a will of personal estate.

Probate of, necessary and conclusive.

SEC. 2. Every person having the custody of any will shall, within thirty days after he has knowledge of the decease of the testator, deliver the same to the court of probate, or to the person named in such will as executor.

Duty of custodian of, to deliver.

SEC. 3. The will of any married woman who resides without this state at the time of her decease, executed according to the laws of

Will of non-resident married woman,

where may be proved.

Duty of executor to prove and record, or to refuse executorship.

Penalty upon custodian and executor for neglect of duty.

Of recording foreign will.

Of notice in case of application to record foreign will.

Of duty of court in case of such application.

Effect of filing and recording foreign will, and power of court to grant letters on and take bond.

Effect of foreign will limited.

this state, may be proved before the court of probate of any town where any estate is situated upon which such will may operate.

SEC. 4. Every person named as executor of any will shall, within thirty days after the decease of the testator, or within thirty days after he has knowledge that he is so named, cause such will to be proved and recorded in the office of the clerk of probate of the town where the testator last dwelt, or file the same in the probate office, and in writing declare his refusal of the executorship.

SEC. 5. Every person or executor who shall neglect his duty and trust as prescribed in sections two and four of this chapter, without just excuse made and accepted by the court of probate for such delay, shall forfeit the sum of one hundred dollars a month from and after the expiration of said thirty days, until he shall deliver the same, or cause the same to be proved and recorded, or shall file the same with his refusal as aforesaid, one half of such forfeiture to enure to those entitled under such will, and the other half to him who shall sue for the same.

SEC. 6. Whenever the executor, or any other person interested in any will that has been proved and allowed in a court of probate in any of the United States, or in a court of probate in any state or kingdom, shall produce a copy of such will, with a copy of the probate thereof, under the seal of the court where the same will has been proved and allowed, unto any court of probate in any town in this state where the testator had estate real or personal, whereon the same will may operate, and shall in writing request that the same may be filed and recorded in the probate office in such town, the said court shall assign a time and place for taking the same into consideration.

SEC. 7. Upon such request, the said court shall cause notice thereof to be given in the same manner as though said will was presented to such court for probate, to the end that any person may appear and show cause against the filing and recording the same.

SEC. 8. If at the time assigned no objection is made, or none in the judgment of such court sufficient to prevent it, the said court may cause the said copy to be filed in the registry of said court of probate, and direct the same to be recorded.

SEC. 9. Whenever a copy of any will, which has been proved and allowed in any court of probate in any of the United States or in any foreign state, shall be directed to be filed and recorded in any probate court in this state pursuant to the preceding three sections, the filing and recording thereof shall be of the same force and effect as the filing and recording of an original will, proved and allowed in the said court of probate; and such court may grant letters testamentary to the executor therein named, or letters of administration with the will annexed, to such person as said court may deem fit, taking bond from such executor or person, as in case of a will proved and allowed in such court.

SEC. 10. Nothing in the preceding four sections shall be construed to make valid any will that is not executed, subscribed, and attested, according to the law of this state.

CHAPTER 173.

OF THE ADMINISTRATION OF TESTATE AND INTESTATE ESTATES.

SECTION

1. Right of executor to letters, when.
- 2 and 3. Right of court to appoint administrator of, when.
4. Right of widow or next of kin to administration.
5. Effect of neglect of widow or next of kin to apply within thirty days.
6. Non-resident, when may be appointed administrator.
7. Husband's right to administration.
- 8 and 9. Of administration of estates of absent persons, and effect of return.
10. Of administration bond.
11. Effect of neglect to give bond.
12. Of bond to be given by direction of testator.
13. Executor exempted from giving bond, or bond with sureties when.
14. Of husband's bond.
15. Of bond of executor, who is residuary legatee.
16. Intermeddling of executors prohibited before bond.
17. Effect of marriage of joint executrix or administratrix.
18. Effect of, when sole executrix, &c.
19. Effect of death or refusal of a joint executor.
- 20 and 21. Effect of death of sole executor.
22. Executor and administrator, when removable.

SECTION

23. Resignation of, when to be accepted.
24. Effect of resignation of executor, when joint and when sole.
25. Power and duty of new administrator.
26. Suits not abated by removal or resignation.
27. Of the adjustment, by arbitration, &c., by majority of executors, of controversies between residuary legatees and persons claiming by descent.
28. Guardians for the suit to be appointed for claimants being minors.
29. Award or compromise in such case, how made and effect of.
30. Executors and administrators empowered to adjust claims by arbitration or compromise.
31. Rights of joint executors and administrators *inter sese*.
32. Power of administrator with will annexed to sell under will.
33. Power of administrator and executor of non-resident to sell personal estate.
34. Liability of person alienating or embezzling estate of deceased, before being qualified as administrator, &c.
35. Notice of appointment to be given by executors and administrators.

SECTION 1. Upon the probate of the will of any deceased person, letters testamentary shall be granted to the executor named therein, provided he be of full age, and not insane, or otherwise incapable to discharge the trust reposed in him, and give bond as hereinafter required.

Right of executor to letters, when.

SEC. 2. Upon the neglect or refusal of the executor named in any will to present the same for probate, the court of probate shall commit administration of the estate of the deceased to one or more of the devisees or legatees, or, in case of their refusal, to one or more of the principal creditors, or to such other person as the court may think fit.

Right of court to appoint administrator of, when.

SEC. 3. If the executor named in the will be under the age of twenty-one years at the time of proving the will, administration may be granted with the will annexed, during the minority of such executor, to such person as the court may think fit.

Of appointment; executor named being a minor.

Right of widow or next of kin to administration.

SEC. 4. Administration of the estate, both real and personal, of a person dying intestate, shall be granted to the widow or next of kin to the intestate, being suitable persons and of the age of twenty-one years and upwards, or to both, as the court of probate may think fit.

Effect of neglect of, to apply within thirty days.

SEC. 5. After the expiration of thirty days from the death of any person intestate, in case the widow or next of kin shall neglect to take out letters of administration, or to apply therefor within that time, or shall be adjudged not a suitable person, the said court may commit administration of such estate to some suitable person of full age, not being at the time a member of the court.

Non-resident, when may be appointed administrator.

SEC. 6. No person, not an inhabitant of this state, shall be appointed administrator by reason of any right to such trust, unless other circumstances, in the opinion of the court, render such appointment proper.

Husband's right to administration.

SEC. 7. The husband shall be entitled to the administration of his wife's personal estate, in case of her intestacy, and shall not be compelled to distribute the same among the next of kin, but shall have and retain the surplus thereof, after payment of her debts, for his own use.

Of administration of estates of absent persons.

SEC. 8. If any person shall be absent from this state for the term of three years, without due proof of his being alive, the last will and testament of such person may be proved, and administration may be granted on such person's estate, as if he were dead.

Effect of return.

SEC. 9. If such person shall afterwards return to this state, or shall constitute an agent or attorney to act in his behalf, the executor or administrator as aforesaid shall be accountable for, and shall deliver to such person or his lawful agent or attorney, all the estate of every kind which shall then be in his hands as executor or administrator as aforesaid, after deducting such sum or sums as the court of probate shall allow, in the settlement of his accounts, for any payments or disbursements which he may have legally made in his said capacity, or which such court of probate may think reasonable to allow, for his personal trouble, in executing the trust of executor or administrator as aforesaid.

Of administration bond.

SEC. 10. Every executor and administrator shall, before entering upon the execution of his trust, give bond to the court of probate, with sufficient sureties, substantially in the following form, to wit :

Know all men by these presents, that we _____ are holden, and stand firmly bound and obliged unto the court of probate in the town of _____ in the county of _____ in the full sum of _____ dollars, to be paid to the said court : to the true payment whereof we bind ourselves, jointly and severally, firmly by these presents. Sealed with our seals, this _____ day of _____ in the year _____. The condition of this obligation is such, that if the above bounden _____ who is appointed administrator on the estate of _____ late of _____ deceased, do make or cause to be made a true and perfect inventory of all and singular the goods, chattels, rights, and credits of the said deceased, which have or shall come to the hands, possession, or knowledge of the said _____ or unto the hands or possession of any other person for _____ and the same so made do exhibit upon oath to the court of probate for the said town of _____ within three months from the date hereof ; and the same goods, chattels, rights, and credits, and all other the goods, chattels, rights, and credits of the said _____ at the time of _____ death, or which at any time hereafter shall come to the hands and possession of the said

or to the hands and possession of any other person or persons for do well and truly administer according to law, and further do make or cause to be made a just and true account of said administration, upon oath, at or before the day of which will be in the year and at any other time whenever may be required thereto by the court of probate, and all the rest and residue of said goods, chattels, rights, and credits, which shall be found remaining upon said administrator's account, the same being examined and allowed by the court of probate for the time being, in the said town of shall deliver and pay to such person or persons as the said court of probate, by their decree pursuant to law, shall limit and appoint, or, according to law; and if it shall hereafter appear that any last will or testament was made by the said deceased, and the executor or executors therein named do exhibit the same unto the court of probate for the town of in the county of making request to have it allowed and approved accordingly, if the said being thereunto required, do render and deliver the said letters of administration (approbation of said last will and testament being first had and made) into the said court; then the before written obligation to be void and of none effect, or else to be and remain in full force and virtue.

Signed, sealed, and delivered }
 in presence of }

SEC. 11. In case an executor shall neglect or refuse for the term of twenty days to give bond as aforesaid, he shall be deemed to have declined such appointment, and the court of probate may commit administration of the estate of the testator with the will annexed, to some other person, such as the court may think fit.

Effect of neglect to give bond.

SEC. 12. The executor of any person who in his will shall so direct, instead of the above bond, may give bond, with surety, to pay the funeral charges, debts, and legacies of the testator.

Bond to pay funeral charges, &c., may be given, when.

SEC. 13. An executor shall be exempt from giving a bond or from giving a bond with sureties, whenever the testator shall have ordered or requested such exemption: *Provided, however*, that the court may, at or after granting letters testamentary, require bond with sureties, if the court should be of opinion that the same is required by a change in the circumstances or situation of the executor, or for other sufficient cause.

Executor exempted from giving bond, or bond with sureties, when.

SEC. 14. The husband, as administrator on his wife's personal estate, in case she die intestate, instead of the above bond, with surety, may give bond only to pay her just debts, and need not render to the court of probate an account.

Of husband's bond.

SEC. 15. If the executor be residuary legatee, he may, instead of the above bond, give bond only to pay the funeral charges, debts, and legacies of the testator, and need not render to the court of probate an account.

Of bond of executor, who is residuary legatee.

SEC. 16. If there be divers persons named as executors in any will, none shall intermeddle or act as such, but those who actually give bond as aforesaid.

Intermeddling, &c., prohibited.

SEC. 17. Whenever any unmarried woman shall, jointly with one or more persons, be appointed executrix or administratrix, and after such appointment shall marry, during the life of the other executor or administrator, such marriage shall not make the husband an executor or administrator in her right, but shall operate as an extinguishment or determination of such woman's power and authority;

Effect of marriage of joint executrix or administratrix.

and the other executor or executors, administrator or administrators, may proceed in discharging the trust reposed in them, in the same way and manner as if such woman were dead.

Effect of, when sole executrix or administratrix.

SEC. 18. Whenever any unmarried woman, executrix or administratrix, shall marry, such marriage shall not make her husband an executor or administrator in her right, but shall operate as an extinguishment of such woman's power; and the court of probate shall thereupon grant administration upon the unadministered part of the estate to such husband, or to any other suitable person; who may prosecute or defend any suit which may have been commenced by or against the first executrix or administratrix, in the same manner, and to the same purpose and effect, as she might have prosecuted or defended the same if her trust had continued.

Effect of death or refusal of a joint executor.

SEC. 19. If any testator shall appoint more than one executor of his will, and some of them do not accept the trust, or having accepted thereof, shall die, those who shall undertake to execute the will, and the survivors of them, shall have the same power and authority as is given by such will to the whole of them, to every intent and purpose whatsoever.

Effect of death of sole executor.

SEC. 20. In case of the decease of any person who, while living, and at the time of his decease, was the executor of the last will and testament of any person previously deceased, and whose estate had not been fully administered upon by such deceased executor, the court of probate in the town in which such will was proved and recorded shall proceed and grant letters of administration with the will annexed, to such person as the court shall think fit.

Same subject.

SEC. 21. In no case shall the executor of a deceased executor, in consequence thereof, become an executor of the first testator.

Executor and administrator, when removable.

SEC. 22. If any executor or administrator shall neglect or refuse, after due notice from the court of probate, to render his account and make a settlement of such estate with the creditors' legatees, next of kin, or their legal representatives, or whenever any executor or administrator shall become insane, or evidently unsuitable to discharge the trust reposed in him, the court of probate that proved the will or granted letters of administration may remove such executor or administrator, and may grant letters of administration with the will annexed, or otherwise as the case may require, to such person as they may think fit; and the administrator so appointed shall have full power and authority to administer the estate of the deceased not administered by such former executor or administrator.

Resignation of, when to be accepted.

SEC. 23. Whenever any executor or administrator shall in writing resign his trust to the court appointing him, such court may accept such resignation and appoint a successor, who shall have all the power that the person resigning had; but no resignation shall be accepted until the person resigning shall have settled his accounts with such court.

Effect of resignation of executor, when joint and when sole.

SEC. 24. In case the person so resigning shall have been sole executor or administrator, such court shall proceed and appoint a successor; if he were joint executor or administrator with some other person not resigning, such other person shall be required to give a new bond, in such sum as such court shall deem reasonable, with sureties satisfactory to such court; upon the giving of which he shall have the same powers in relation to the estate of the deceased that he, together with the person resigning, had jointly; but in case he refuse to give such new bond, such court shall remove him, and appoint a new administrator in his stead.

SEC. 25. An administrator appointed to succeed an executor or administrator resigning or removed shall ask for, demand, and receive of the executor or administrator resigning or removed, his heirs, executors, or administrators, or guardian, all the goods and effects of the deceased or of the ward, and also all books of account, bonds, notes, or other securities, documents, or papers whatsoever, touching the estate, which may be needed in the settlement thereof; and in case of refusal to deliver the same, he may sue therefor; which action shall be no bar to any other proper action to be brought on such executor's or administrator's bond.

Power and duty of new administrator.

SEC. 26. No action or suit in law or equity which, at the time such executor or administrator resigns, or is removed from office as aforesaid, shall be pending in favor of or against such executor or administrator, shall abate by such resignation or removal; but the same may be prosecuted by or against the administrator who shall be appointed to succeed him.

Suits not abated by removal or resignation.

SEC. 27. A majority of the persons named as executors in any instrument, purporting to be the last will and testament of any person deceased, may, with the consent of the court of probate having jurisdiction to act upon the probate of such will, adjust by arbitration or compromise any controversy that may exist, or may arise thereon, between the persons claiming as residuary legatees or devisees under such will, and the entitled persons claiming the estate of the deceased by descent, to which arbitration or compromise the persons named as executors, those claiming as residuary legatees or devisees, and those claiming the estate as intestate, shall be parties, and such arbitration or compromise shall not affect the rights of persons who were not parties thereto.

Of the adjustment, by arbitration, &c., by majority of executors, of controversies between residuary legatees and persons claiming by descent.

SEC. 28. If any of the persons claiming the estate as intestate shall be minors, or be under other legal disabilities, the court of probate having jurisdiction of such will may appoint a guardian for the suit, to represent the interest of such minors or persons under legal disabilities, in such arbitration or compromise.

Guardians for the suit, to be appointed for claimants being minors.

SEC. 29. Any award or compromise made in writing in such case shall be filed and entered of record in the court having jurisdiction of such will, and thereupon such will may be admitted to probate, and shall have effect, and the estate of such deceased person shall be disposed of and be administered according to the provisions thereof, as modified by such award or compromise.

Award or compromise in such case, how made and effect of.

SEC. 30. Executors and administrators may submit to arbitration, or may adjust by compromise, any claims in favor of or against the estates by them represented, in the same manner and with the same effect, as the testator or intestate might have done.

Ex'rs and adm'rs may adjust claims by arbitration or compromise.

SEC. 31. Whenever two or more persons shall have letters testamentary or letters of administration granted to them of any estate, and any one or more of them shall take all or the greatest part of such estate into his or their hands, and refuse to pay the debts or funeral charges of such testator or intestate, or shall refuse to account with the other executor or administrator, the aggrieved executor or administrator may bring his action of account, or in the nature of account, against the other, and recover his proportionate share of such estate.

Rights of joint executors and administrators *inter sese*.

SEC. 32. The administrator with the will annexed who shall be appointed by the court of probate shall have the same power to sell and convey real estate as may be given by such will, or by law, to the executor or executors thereof.

Power of adm'r with will annexed, to sell under will.

Power of administrator and executor of non-resident to sell personal estate.

SEC. 33. The administrator of the estate, or the executor of the last will and testament, of any person dying without this state, duly appointed and qualified under the laws of the place where such person was domiciled at the time of his decease, may, upon application to the court of probate of any town or city in this state, in which any personal estate of such deceased person is situate, be authorized by such court to sell the same, in the same manner and with the same effect as executors or administrators appointed within this state may be authorized to sell personal estate: *Provided*, that no such foreign executor or administrator shall be authorized to make any such sale under the provisions of this act, until six months after the granting of his letters testamentary or of administration, nor at any time until he shall have given bond to the probate court appointing him to account with such court for the proceeds of the sale of such property, nor until after thirty days' public notice of his application therefor shall have been given: *And provided further*, that no such sale shall be authorized, if any creditor of such deceased person residing within this state shall have filed with the probate court, before which such application shall be pending, his objections thereto, accompanied with a sworn statement of his claim or demand, and that the same is justly due.

Liability of person alienating or embezzling estate, before being qualified as administrator, &c.

SEC. 34. If any person shall alienate or embezzle any of the goods, chattels, or other personal estate of any deceased person, before he shall have taken out letters of administration and exhibited a true inventory of all the known estate of the person deceased, every such person shall stand chargeable and be liable to the creditors and other persons aggrieved, as being an executor in his own wrong.

Notice of appointment to be given by executors and administrators.

SEC. 35. Every executor and administrator shall, as soon as may be after his appointment, give notice thereof, by publishing the same in some public newspaper in this state, nearest the place in which the deceased person last dwelt, and in such other manner as the court of probate may direct.

CHAPTER 174.

OF THE INVENTORY AND ASSETS OF ESTATES OF DECEASED PERSONS.

SECTION

1. Inventory of assets, when to be returned.
2. What to contain, and of appraisers.
3. Wearing apparel, within what limits not assets.
4. Widow's right to apparel, household goods, supplies, &c.
5. What emblements assets, and what not.
6. Effect of appointing debtor executor.
7. Debts due by mortgage on real estate, when assets.

SECTION

- 8, 9, and 10. Power of executor, &c., of mortgagee out of possession, over mortgage.
11. To whose use seized, upon recovering possession of estate mortgaged.
12. Duty and power of, as to, when mortgaged estate necessary to pay debts and legacies, &c.
13. Private sale of, may be made, when. Notice required of public sale.
14. Power of, to discharge mortgage in case of redemption.

SECTION

- 15. Of license to sell mortgaged estate, when testator or intestate dies seized.
- 16. Of distribution and partition of mortgaged estate.
- 17. Power of court to license sale of

SECTION

- real estate, &c., of decedent, when and how.
- 18. Power of court to cite and examine person suspected of embezzling estate of decedent.
- 19. Power of to commit, &c., if he refuse to answer.

SECTION 1. Every administrator, except the husband as administrator on his wife's personal estate, and every executor, unless he has given bond to pay the funeral charges, debts, and legacies of the testator, shall, within three months after his appointment, return to the probate office, under oath, a true inventory of all the goods, chattels, rights, and credits of the deceased, that shall have come to the knowledge of such executor or administrator.

Inventory of assets, when to be returned.

SEC. 2. Such inventory shall contain a just appraisement of the goods and chattels, rights and credits, therein specified, to be made by three suitable persons, to be appointed by the court of probate, not members of such court, who shall be sworn by the court, or by some justice of the peace of the town in which they are appointed, or by some notary public, to the faithful discharge of their trust.

What to contain, and of appraisers.

SEC. 3. The wearing apparel of any person deceased, not exceeding in value the sum of two hundred dollars, not including in wearing apparel jewels and watches, shall not be included in the inventory, nor be considered as assets in the hands of the executor or administrator for the payment of debts, but may be bequeathed, and if not bequeathed, shall go to the next of kin of the deceased.

Wearing apparel, within what limit not assets.

SEC. 4. The widow of any deceased person shall, in all cases, be entitled to her apparel and to that of her children, and to such bedding and other household goods, supplies on hand, and such other property of the husband as is exempt from attachment by law, as the court of probate shall judge necessary, according to her situation and the circumstances of the estate; and such part of the personal estate as the court may allow to the widow shall not be assets, though inventoried in the hands of the executor or administrator; and if there be no children of the deceased person, or their descendants, living at the time of the decease, the said court of probate shall also allow and set off to the widow such portion of the real estate of her deceased husband which shall not be required for the payment of debts, as may be suitable for her situation and support, and be in accordance with the circumstances of the estate; and such widow shall hold such real estate in addition to her dower, upon the same terms and conditions, and for the same period, as she holds her estate of dower.

Widow's right to apparel, household goods, supplies, &c.

SEC. 5. If any testator or intestate shall die after the first day of March, all the emblements of his lands that shall be severed before the thirty-first day of December next following shall be included in the inventory, and be assets in the hands of his executor or administrator; but all such emblements growing on the lands on the day last mentioned, or at the time of the death of the testator or intestate, if that event happen after the thirty-first day of December, and before the first day of March, shall not be so included, but shall pass with the land to the heir, devisee, or tenant in reversion or remainder.

What emblements assets, and what not.

SEC. 6. The appointment of a debtor as an executor shall in no case be deemed an extinguishment of the debt, but all such debts

Effect of appointing debtor executor.

shall be accounted for as assets by the executor, unless otherwise directed by the will.

Debts due by mortgage on real estate, when assets.

SEC. 7. Debts due by mortgage of real estate, and the mortgaged premises shall, before foreclosure of the mortgage, be considered personal property for the purpose of settling the estates of deceased persons; and as such, shall be included in the inventory, as assets in the hands of the executor or administrator, and be distributed.

Power of executor, &c., of mortgagee out of possession, over mortgage.

SEC. 8. If the deceased mortgagee of real estate shall not, in his lifetime, have recovered seizin and possession of any real estate mortgaged to secure such debt, his executor or administrator shall have the same control of his interest in the real estate mortgaged, as he would have in personal estate mortgaged to his testator or intestate.

Power of, to sell.

SEC. 9. He may sell or dispose of the mortgage in his discretion, for the amount due thereon, or for any less amount, upon obtaining leave therefor from the court of probate appointing him.

Power of, to take surrender of, or sue in ejectment for.

SEC. 10. He may take the surrender of or sue in ejectment for, the seizin and possession of the real estate mortgaged as aforesaid, in which action, it shall be sufficient for him to declare on the seizin and possession of his testator or intestate.

To whose use seized, upon recovering possession of real estate mortgaged.

SEC. 11. Upon recovery or surrender of possession of real estate mortgaged as aforesaid, the executor or administrator shall be seized and possessed of the mortgaged estate to the sole use of the heirs of the intestate, or of the devisees of the testator, to whom such estate may be devised.

Duty and power of, as to, when mortgaged estate necessary to pay debts and legacies, &c.

SEC. 12. In case the lands mortgaged and recovered as aforesaid, shall be necessary for the payment of debts, legacies, or charges of administration, and the same shall be certified from the court of probate, the executor or administrator shall have full right, power, and authority to dispose and make sale of the whole or part of the real estate recovered as aforesaid, subject however to the equity of redemption.

Private sale of may be made, when. Notice required of public sale.

SEC. 13. The executor or administrator may also sell the same at private sale, to any person who shall pay therefor the whole of the money due upon the mortgage at the time of sale, provided the court of probate shall give leave for such private sale; otherwise, the same shall be sold at public auction to the highest bidder; and notice of such intended sale shall be given in the manner prescribed by law for the sale of real estate by executors or administrators.

Power of, to discharge mortgage in case of redemption.

SEC. 14. After the surrender or recovery of possession of real estate mortgaged as aforesaid, and before conveyance or assignment in manner aforesaid, or in case the testator or intestate die possessed of any real estate mortgaged to him which may be redeemed, if the mortgagor, his heirs, executors, administrators, or assigns shall, within the time limited for the equity of redemption, redeem the mortgaged premises, the executor or administrator shall, in every instance, be entitled to receive the redemption money for distribution or payment to the devisee, and is authorized, empowered, and directed to discharge the mortgaged premises, by release, quitclaim, or other legal conveyance.

Of license to sell mortgaged estate, when testator or intestate dies seized.

SEC. 15. If the testator or intestate die seized of any real estate mortgaged to him, the same, and the mortgage on the same, shall be sold by the executor or administrator only for payment of debts or legacies and charges of administration, upon obtaining license from the court of probate therefor, in the same manner as other real estate of which the testator or intestate died seized.

SEC. 16. In all cases of land mortgaged to a testator or intestate, the same shall, if not redeemed or sold as aforesaid, be assigned and distributed to the same persons, and in the same proportions, as if it had been a part of the personal estate of the deceased; and if the same shall come to two or more persons, partition thereof may be made by the court of probate, or by action, in like manner as if it had been the absolute property of the testator or intestate.

Of distribution and partition of mortgaged estate.

SEC. 17. Whenever the personal estate of any person deceased shall not be sufficient to pay the debts which the deceased owed, the expenses of his funeral, and of supporting his family and settling his estate, in manner prescribed by law, the court of probate which shall have granted letters testamentary, or of administration on such estate, shall thereupon authorize and empower the executor or administrator appointed to settle such estate to make sale at public auction of so much of the land, or of so much of the wood or timber standing or growing on the land, or of so much of the stone in the quarry or otherwise on the land, or of so much of the coal, or of so much of the peat on the land of such deceased person, as shall be necessary to make up the deficiency of the personal estate for the purpose aforesaid, with incidental charges.

Power of court to license sale of real estate, &c., of decedent, when and how.

SEC. 18. Courts of probate shall have power to cite before them and examine upon oath any person suspected and complained of by any executor, administrator, heir, creditor, legatee, or other person having lawful right or claim to the estate of any person deceased, of concealing, or of having embezzled or conveyed away, any of the personal estate left by the testator or intestate, for the discovery of the same.

Power of court to cite and examine person suspected of embezzling estate of decedent.

SEC. 19. Such court may, by proper process, signed by its clerk, attach such person if he shall neglect or refuse to appear at the time required by the citation, and bring him before them, and if he shall refuse to be examined, or to answer interrogatories upon oath, respecting the estate which he may be suspected of concealing or of having embezzled or conveyed away, the said court of probate may commit the person so refusing to the jail of the county, there to remain until he shall consent to be examined and answer interrogatories upon oath as aforesaid, or shall be released by the consent of the person complaining against him, or by order of the supreme court.

Power of, to commit, &c., if he refuse to answer.

CHAPTER 175.

OF INSOLVENT ESTATES OF DECEASED PERSONS.

SECTION

1. How to be distributed, and what claims against preferred.
2. Of representation of insolvency, and appointment and powers of commissioners.
3. Commissioners, how qualified, effect of not being qualified, &c.
4. Power of, to administer oaths, &c.
5. Notice of meetings of commissioners.

SECTION

6. Time to be allowed to bring in claims, and of extension of time.
7. Report of commissioners.
8. Of appointment of new commissioner, &c., in case of death, resignation, &c., of commissioner, before rendition of report.
9. Power of court to remove commissioner.

SECTION

- 10. Power to issue mandamus to commission, in case of neglect of duty.
- 11. Order of court upon reception of report.
- 12. Right of creditor to sue, if claim rejected.
- 13. Right of, to appeal from allowance of claim.
- 14. Judgment of court what, in case of suit or appeal.
- 15. Right of executor, &c., to reject claim allowed, and of creditor to sue for same.

SECTION

- 16. What done with claim settled in course of law.
- 17. Actions against executor, &c., of insolvent estate, for what causes brought; of judgment, in case of suits consented to by executor to settle claim.
- 18. Proceedings in suits pending against estate represented insolvent.
- 19. Claims not made out before commissioners, how far barred.
- 20. Pendency of commission, how long bar to suits.

How to be distributed, and what claims against, preferred.

SECTION 1. Whenever the estate of any person deceased shall be insolvent, or insufficient to pay all the just debts which the deceased owed, the same shall be distributed to and among all the creditors, in proportion to the sums to them respectively owing, so far as the said estate will extend; saving that the debts due to the United States and necessary funeral charges of the deceased, the charges for attendance, and medicines in the last sickness, debts due to this state, and all state and town taxes, are to be first paid, and in the order in which they are named.

Of representation of insolvency, and appointment and powers of commissioners.

SEC. 2. The executor or administrator of any such insolvent estate, before payment to any be made, except as aforesaid, shall represent the condition and circumstances thereof unto the court of probate which granted letters testamentary, or of administration thereon; and the said court shall appoint three fit and disinterested persons to be commissioners, with full power to receive and examine all claims of the several creditors against such estates.

Commissioners, how qualified; effect of not being qualified, &c.

SEC. 3. Every such commissioner shall, within thirty days next after his appointment, be sworn to the faithful discharge of his duty before the court appointing him, who shall make a record thereof, or before some officer authorized to administer oaths, in which case such commissioner shall file a certificate, signed by such officer, that he has been so sworn, with the clerk of said court within said thirty days; at the expiration of which time if it do not appear as above provided that he has been so sworn, he shall be deemed to have declined the appointment, and a new commissioner shall be appointed in his stead.

Power of, to administer oaths, &c.

SEC. 4. Such commissioners, or either of them, shall have power to administer oaths to all persons who shall be called to give evidence in any matter to be tried before them, and to compel the attendance of any witnesses, in the same manner and by the same process that courts of record have.

Notice of meetings of commissioners.

SEC. 5. Such commissioners shall post notifications of the times and places of their meeting to attend the creditors for the receiving of their claims, in three or more public places in the town, and shall advertise the said times and places in one or more of the newspapers published in this state, nearest to the place of meeting, for at least three full weeks before the time appointed for their first meeting.

Time to be allowed to bring in claims.

SEC. 6. The court of probate shall allow six, twelve, or eighteen months' time from the date of the appointment of such commissioners, as the circumstances of any estate may require, to the creditors, to

bring in their claims and prove their debts ; and if it shall be made to appear to such court before the actual distribution of any of the estate, as is hereinafter provided, that any of the creditors of the deceased have neglected, through accident or mistake, to present their claims to the said commissioners within the time limited for that purpose, such court may extend the time for presenting claims to any period not exceeding eighteen months from the date of the commission ; and such notice shall be given of such extension as such court may direct.

Extension of time may be granted, when.

SEC. 7. At the end of the time limited as aforesaid, the commissioners, or a major part of them, shall make their report, and present a list of all the claims by them allowed, including interest on such as draw interest, up to the time of the death of the testator or intestate, unto the court of probate.

Report of commissioners.

SEC. 8. Whenever a commissioner shall die or resign, or neglect, refuse, or be unable to serve, before the rendition of such report, or whenever from any cause such commissioner shall fail or neglect to make such report according to law, for the space of thirty days after the time allowed to creditors to bring in and prove their claims, the court of probate shall, on the application of the executor or administrator, or of any creditor of such estate, appoint some other person to be a commissioner in his place, or may appoint a new commission on such estate *de novo*, and in either case of such new appointment, shall allow to creditors such times therefrom, not exceeding six months, to bring in and prove their claims, as the circumstances of any estate shall seem to require, and such notice thereof shall be given as such court shall direct.

Of appointment of new commissioner, &c., in case of death, resignation, &c., of commissioner, before rendition of report.

SEC. 9. Such court may, for cause shown, remove any commissioner.

Court may remove for cause.

SEC. 10. Whenever such commission shall refuse or neglect to make the report and present the list of claims required by the seventh section of this chapter, the supreme court may, upon the application of the executor or administrator, or of any creditor of such estate, issue a mandamus to such commission, requiring them to perform such duty.

Power of court to issue mandamus to commission, in case of neglect of duty.

SEC. 11. Upon receiving the report of the commissioners, the court shall order them a meet recompense out of the estate, for their care and trouble in examining the claims ; and, the debts due to the United States, and necessary funeral charges of the deceased, the charges for attendance and medicines in the last sickness, debts due to this state, and all state and town taxes, being first paid, in the order aforesaid, and deducted by the court of probate, they shall order the residue and remainder of the estate, both real and personal, the real estate being sold according to law, to be paid and distributed to and among the creditors who shall have proved their claims as aforesaid, in proportion to the sums unto them respectively due and owing ; saving unto the widow, if any there be, her apparel and that of her children, and such bedding and other household goods and supplies on hand as are necessary for the upholding of life, and such other property as may have been allowed her by the court of probate, as provided in section four of the preceding chapter, and her right of dower in the real estate of the deceased.

Order of court upon reception of report.

SEC. 12. Notwithstanding the report of the commissioners, any creditor whose claim is wholly or in part rejected may have the same determined at common law, in case he shall give notice thereof in writing in the office of the clerk of probate, within forty days, and

Right of creditor to sue, if claim rejected.

bring and prosecute his action within sixty days, after such report shall be received.

Right of, to appeal from allowance of claim.

SEC. 13. In case any one or more creditors of, or persons entitled to distribution in, any estate represented insolvent, shall be dissatisfied with the allowance by the commissioners of any claim against such estate, such creditor or creditors, person or persons entitled as aforesaid, may appeal from the judgment of such commissioners in respect to such claim, to the supreme court in the same county, in the same manner, on the same conditions, and with like effect, as is provided by law in case of other appeals from the orders, determinations, or decrees of courts of probate.

Judgment of court what, in case of suit or appeal.

SEC. 14. The judgment of the supreme court respecting such claim shall ascertain the amount of the same, to be added to or deducted from the commissioners' report, as the case may be; the costs of the appeal to be awarded by the court against either party, or divided between them, as justice may require, and execution therefor to issue accordingly.

Right of executor, &c., to reject claim allowed, and of creditor to sue for same.

SEC. 15. In case the executor or administrator shall be dissatisfied with any creditor's claim allowed by the commissioners, and shall give notice thereof in the office of the clerk of probate, and also to the creditor, within forty days as aforesaid, such claim shall, by the court of probate, be stricken out of the commissioners' report; in which case the claimant may, within sixty days after notice thereof, bring his action at common law, in the same manner, upon the same conditions, and with like effect, as if his claim had been wholly or in part rejected by the commissioners.

What done with claim settled in course of law.

SEC. 16. Whenever a claim shall be settled in the course of the common law as aforesaid, execution shall not issue as in common cases; but the amount so ascertained shall be the amount of the claim, and be added to or deducted from, the commissioners' report, as the case may require.

Actions against executor, &c., of insolvent estate, for what causes brought.

SEC. 17. No action brought against any executor or administrator, after the estate shall be represented insolvent, shall be sustained, except for debts due the United States, and necessary funeral charges of the deceased, for attendance and medicines in the last sickness, for debts to this state, and for all state and town taxes; unless the executor or administrator, having objection to the claim upon which such action shall be brought, shall consent to have the same settled by course of law; in which case, the judgment of the court shall determine the said claim, which, with the taxed costs, shall be reported by the commissioners as the amount thereof.

Of judgment in case of suits brought with his consent to settle claim.

SEC. 18. All actions brought against any executor or administrator before the estate is represented insolvent, or against the testator or intestate in his lifetime, which shall survive, and in which the executor or administrator being cited shall appear, shall be continued, until it shall appear whether the said estate is insolvent or not; and if found insolvent, the proceedings shall be conducted as above provided.

Proceedings in suits pending against estates represented insolvent.

Claims not made out before commissioners, how far barred.

SEC. 19. If any creditor shall not prove his claim to the commissioners within the time of their commission, or at common law, in the manner provided by this chapter, he shall be forever barred of his action therefor against the executor or administrator, unless there shall be estate remaining in the hands of such executor or administrator, upon the settlement of his account with the court of probate, after deducting the amount of the claims allowed by the commissioners from the amount of the estate of the testator or intestate re-

maining in the hands of such executor or administrator, to be applied to the payment of the debts of the testator or intestate.

SEC. 20. The pendency of any commission as aforesaid shall be no bar to any action against the executor or administrator as aforesaid, after the expiration of two years from the time letters testamentary or of administration were granted.

Pendency of commission, how long bar to suits.

CHAPTER 176.

OF DESCENT, DISTRIBUTION, DIVISION, AND ADVANCEMENT.

SECTION

- 1 and 2. Courses of descent of intestate real estate.
- 3. To inherit, must be capable as heirs at intestate's death, except children.
- 4. Of inheritance by moieties of paternal and maternal kindred.
- 5. Descendants of deceased heir, what to inherit.
- 6. Ancestral estate, descent of.
- 7. Bastard, how far may inherit.
- 8. Saving of dower and curtesy.
- 9. Personal estate of intestate, how to be distributed.
- 10. Distributive share, when demandable.
- 11. Division by court of probate of real estate, upon what application made.
- 12. Of proceedings and notice, upon application for.
- 13. Of decree for, and appointment of commissioners to make.

SECTION

- 14. Warrant to commissioners.
- 15. Proceedings by commissioners.
- 16. Mode of assignment of shares.
- 17. Report of commissioners and of record of same.
- 18. Advancement to child, &c., by whom and when to be ascertained.
- 19. Application by infant for division, by whom to be made.
- 20. What shall be deemed an advancement.
- 21. What, in case of real estate acquired subsequent to making will.
- 22. Of division of real estate holden in common by devise.
- 23. Of division of dower lands after widow's decease.
- 24. Of appeal from order of division; and expenses of division, how levied.

Descent.

SECTION 1. Whenever any person having title to any real estate of inheritance shall die intestate as to such estate, it shall descend and pass in equal portions to his kindred, in the following course: —

Courses of descent of intestate real estate.

First. To his children or their descendants, if any there be.

Second. If there be no children nor their descendants, then to the father of such intestate.

Third. If there be no father, then to the mother, brothers, and sisters of such intestate, and their descendants, or such of them as there be.

SEC. 2. If there be no mother nor brother nor sister, nor their descendants, the inheritance shall go, in equal moieties, to the paternal and maternal kindred, each in the following course: —

Same subject.

First. To the grandfather, if any there be.

Second. If there be no grandfather, then to the grandmother, uncles, and aunts, on the same side, or their descendants, by representation, or such of them as there be.

Third. If there be no grandmother, uncle, nor aunt, nor their descendants, then to the great-grandfathers, or great-grandfather, if there be but one.

Fourth. If there be no great-grandfather, then to the great-grandmothers, or great-grandmother, if there be but one, and the brothers and sisters of the grandfathers and grandmothers, and their descendants, or such of them as there be, and so on, in other cases, without end; passing to the nearest lineal male ancestors, and for want of them to the lineal female ancestors, in the same degree, and the descendants of such male and female lineal ancestors, or such of them as there be.

Requisites for inheriting.

SEC. 3. No right in the inheritance shall accrue to any persons whatsoever, other than to the children of the intestate, unless such persons be in being, and capable in law to take as heirs, at the time of the intestate's death.

Of inheritance by moieties of paternal and maternal kindred.

SEC. 4. When hereinbefore the inheritance is directed to go by moieties to the paternal and maternal kindred, if there be no such kindred on the one part, the whole shall go to the other part; and if there be no kindred, either on the one part or the other, the whole shall go to the husband or wife of the intestate; and if the wife or husband be dead, it shall go to his or her kindred, in the like course as if such husband or wife had survived the intestate and then died, entitled to the estate.

Descendants of deceased heir, what to inherit.

SEC. 5. The descendants of any person deceased shall inherit the estate which such person would have inherited, had such person survived the intestate.

Ancestral estate, descent of.

SEC. 6. When the title to any real estate of inheritance, as to which the person having such title shall die intestate, came by descent, gift, or devise, from the parent or other kindred of the intestate, and such intestate die without children, such estate shall go to the kin next to the intestate, of the blood of the person from whom such estate came or descended, if any there be.

Bastard, how far may inherit.

SEC. 7. Bastards shall be capable of inheriting or transmitting inheritance, on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

Saving of dower and curtesy.

SEC. 8. Nothing in the preceding sections of this chapter shall be construed to bar any widow of her dower in the estate of her deceased husband, or any husband of his curtesy in the estate of his deceased wife.

Distribution.

Personal estate of intestate, how to be distributed.

SEC. 9. The surplus of any chattels or personal estate of a deceased person, not bequeathed, after the payment of his just debts, funeral charges, and expenses of settling his estate, shall be distributed by order of the court of probate who shall have granted administration, in manner following:—

First. One half part thereof to the widow of the deceased forever, if the intestate died without issue.

Second. One third part thereof to the widow of the deceased or ever, if the intestate died leaving issue.

Third. The residue shall be distributed amongst the heirs of the intestate, in the same manner real estates descend and pass by this chapter, but without having any respect to the blood of the person from whom such personal estate came or descended.

Distributive share, when demandable.

SEC. 10. No person entitled to a share in any deceased person's estate shall have a right to demand the same within three years after

administration or letters testamentary granted on such estate, unless he shall give bond to the administrator or executor, with sufficient surety, to be approved by the court of probate, to refund the proportionate share of the estate, in case any debt or debts should afterwards appear against the same, and the executor or administrator should not have a sufficiency of the estate in his hands, undivided, for the payment thereof: *Provided*, that the heirs at law or devisees may, during said term, take the rents and profits of the real estate as heretofore.

Division and Advancement.

SEC. 11. After payment of the debts, funeral charges, and expenses of settling the estate, of any person dying intestate, the court of probate which granted administration on such estate may divide the real estate of which such intestate died seized among his heirs at law, in the proportion by law prescribed, whenever application in writing shall be made to them for such purpose, by all of the said heirs at law, setting forth and particularly describing each parcel of said real estate.

Division by court of probate of real estate, upon what application made.

SEC. 12. Upon the filing of such application, a time shall be appointed for proceeding therein, unless such time be specified in such application; and notice thereof shall be given according to law, or in such manner as the court of probate shall appoint, to such heirs at law.

Of proceedings and notice, upon application for.

SEC. 13. At the time appointed, such court shall, by decree, determine who are the heirs at law of the intestate, entitled to a share of such estate, the amount of advancement or settlement made by such intestate to any of such heirs, and the share to which each of such heirs is entitled out of such real estate; and shall thereupon appoint three or five discreet and disinterested persons, residing in any or either of the towns wherein the lands to be divided lie, as commissioners to make partition thereof, according to such decree.

Of decree for, and appointment of commissioners to make.

SEC. 14. Such court shall issue their warrant to the commissioners, which shall be in substance as follows:—

Warrant to commissioners.

The state of Rhode Island and Providence Plantations.

sc. To of in the county of

greeting:

Whereas, the court of probate of the town of _____ at their meeting on the _____ day of _____ did pass the following decree, to wit: (here insert a copy of the decree:) You are therefore hereby authorized, after being engaged to the faithful discharge of the trust reposed in you, to appraise all the real estate described and referred to in said decree, each parcel by itself, at the present value thereof in money; and after having made such appraisement, you are faithfully and impartially to divide the same among the heirs at law of said _____ named in said decree, in the proportions set forth therein; you are to let all persons named in said decree have notice when you proceed to make such appraisement and division, and having completed the same, you are to make return of this warrant, with your doings thereon, unto the court of probate of the said town of _____ as soon as may be. Signed for and in behalf of the court of probate of the town of _____ on this _____ day of _____ Clerk.

SEC. 15. Such commissioners shall proceed, as soon as conveniently may be after receiving their warrant, to execute the duties required of them by virtue thereof, and divide such real estate in the

Proceedings by commissioners.

manner and proportions, prescribed in the decree recited in such warrant.

Mode of assignment of shares.

SEC. 16. If the share of any one of such heirs shall be less than the share of each of the other heirs, and the shares of those other heirs be equal, in such case, such commissioners shall set off said smaller share to such heir, and assign the other shares by lot: and the assignment shall also be by lot if all the shares be equal: *Provided*, that if none of the heirs be under age, the assignment may be made by agreement among themselves.

Report of commissioners: record of same.

SEC. 17. Such commissioners shall make report of all their proceedings under such warrant to the court of probate that appointed them; which report shall be recorded among the proceedings of said court, and if finally established, shall also be recorded in the records of land evidence in the several towns wherein any of such lands lie.

Advancement to child, &c., by whom and when to be ascertained.

SEC. 18. If any child or grandchild of the intestate shall have received from such intestate any real or personal estate, for his advancement or settlement, the court of probate shall ascertain the amount thereof before appointing commissioners to divide such real estate; and shall, in their said decree of division, direct such commissioners to deduct the amount thereof from the share of such child or grandchild.

Application by infant for division, by whom to be made.

SEC. 19. In case any infant shall be interested in the partition of any estate as aforesaid, the application for the same shall be made and signed by his guardian, duly appointed, whose acts in the premises shall be conclusive on such infant.

What shall be deemed an advancement.

SEC. 20. If real estate shall be conveyed by deed of gift, or personal estate shall be delivered to a child or grandchild, and charged, or a memorandum made thereof in writing by the intestate, or by his order, or shall be delivered expressly for that purpose in the presence of two witnesses, who were desired to take notice thereof, the same shall be deemed an advancement to such child, to the value of such real or personal estate.

What, in case of real estate acquired subsequent to making will.

SEC. 21. Whenever any person shall die leaving a last will and testament duly executed, and shall, at the time of his decease, be seized of any real estate not disposed of by such will, if acquired subsequently to the execution thereof, the said estate may be divided among the heirs at law of the deceased, in the same manner as though he had left no will; but in making such division, every bequest and devise in the said will contained to any of such heirs shall be deemed and taken as an advancement to such heirs.

Of division of real estate holden in common by devise.

SEC. 22. Real estate, holden in common by devise, shall be divided according to the respective rights claimed thereby, in the manner and form hereinbefore prescribed for the division of intestate estates; and the like proceedings shall be had for effecting and confirming the same.

Of division of dower lands after widow's decease.

SEC. 23. Such part of the real estate of any testator or intestate as shall be assigned to his widow for her dower shall, after her decease, be divided amongst the devisees or heirs at law of the deceased, in the same manner as the same would have been divided in case it had not been assigned for dower as aforesaid.

Of appeal from order of division; and expenses of division, how levied.

SEC. 24. Whenever partition or division shall be made by any court of probate, and there shall be an appeal to the supreme court, and any one or more of the interested parties shall neglect or refuse to pay their just proportion of the expense of such division, the court who ordered such division may issue a warrant of distress against such delinquent: *Provided*, an account of such expense be first laid before such court, and the just proportions of the persons interested,

settled, and allowed ; they having been duly notified to be present at such settlement and allowance.

CHAPTER 177.

OF ESTATES OF PERSONS DYING WITHOUT KNOWN HEIRS, AND OF UNCLAIMED SHARES OF, AND DEBTS AGAINST, ESTATES OF DECEASED PERSONS AND WARDS.

SECTION

1. Who to take possession of estates of persons dying without known heirs, and to account with claimant of same.
2. Debts against such estate, how to be paid.
3. Power of town council to examine suspected possessor of such estate.
4. Suit against such possessor in case of refusal to deliver.
5. Unclaimed legacies, distributive shares, &c., to whom to be paid.

SECTION

6. Who liable for, after payment over by executor, &c.
7. Power of town treasurer to sell unclaimed specific legacy, and duty to keep account of.
8. Towns, when and how may be authorized to sell real estate held by them and unclaimed for thirty years.
9. Disposition of proceeds of such sale.
10. Town treasurer to keep record of his proceedings, under this chapter.

SECTION 1. Whenever any person shall die leaving any real or personal estate within this state, and shall leave no known heir or legal representative to claim the same, the town council of the town in which such real or personal estate may be may direct the town treasurer of such town to take the same into his possession for the use of such town, until the heir or other legal representative of such deceased person shall call for the same ; to whom the same shall be delivered on being claimed, and evidence of the right or title of the claimant shown ; and the said town shall, in such case, account with the claimant for such real or personal estate.

Who to take possession of estates of persons dying without known heirs, and to account with claimant of same.

SEC. 2. Whenever any real or personal estate shall be taken into possession by any town treasurer, pursuant to this chapter, the same shall be subject and liable to the payment of the debts of the deceased to whom it belonged ; and such town shall be holden to pay the same, to the amount of the value of the estate received.

Debts against such estate, how to be paid.

SEC. 3. The town council of the town may cite any person, whom they may suspect of being possessed of the personal estate of any person dying without heirs as aforesaid, to appear before them, and may examine the person so suspected, on oath, concerning the same.

Power of town council to examine suspected possessor of such estate.

SEC. 4. If any person shall appear to be possessed of any real or personal estate of one dying without known heirs or other legal representatives as aforesaid, and shall, on request, refuse to deliver or surrender possession thereof to the town treasurer, directed as aforesaid, such town treasurer may, in his said capacity, commence and prosecute an action for the recovery thereof.

Suit against such possessor, in case of refusal to deliver.

SEC. 5. Whenever any person who shall be entitled, as legatee, distributee, or creditor, to the personal estate or any part thereof in the hands of an executor, administrator, or guardian appointed in

Unclaimed legacies, distributive shares, &c., to

whom to be paid.

this state, shall, for the space of five years after the decree of the court of probate approving the will, or ordering distribution or establishing the amount of the claim, neglect to apply for the same, such executor, administrator, or guardian shall pay over the same to the town treasurer of the town wherein administration or guardianship was granted on said estate, taking said treasurer's receipt therefor; which shall be a sufficient voucher in the settlement of his account with the court of probate.

Who liable for, after payment over by executor, &c.

SEC. 6. Whenever the town treasurer of any town shall receive any money by virtue of the section next preceding, he shall retain the same in his hands for the use of the town for which he is treasurer, until called for by the party entitled thereto, or his representative; and the town shall be liable to pay the amount so received to the party entitled to the same.

Power of town treasurer to sell unclaimed specific legacy, &c.

SEC. 7. If the town treasurer shall receive any such property which shall consist in whole or in part of any property other than cash, he may sell the same at public auction, and retain the proceeds of such sale in his hands, under the limitations and for the uses aforesaid.

Towns, when and how may be authorized to sell real estate held by them and unclaimed for thirty years.

SEC. 8. Whenever a town shall have been in possession of any real estate under the provisions of the first section of this chapter for thirty years, without any person having claimed the same as heir at law, devisee, legatee, or legal representative of such deceased person, and shall, by petition in equity setting forth all the known facts in relation to the title and possession of such real estate, and in relation to the person who died, leaving the same, apply to the supreme court for leave to sell and convey the same, the court shall order such notice of the pendency of the petition to be given, as may to the court seem proper, and may, after the return of such notice, and the hearing of all persons interested in such real estate, order the sale and conveyance thereof, in such manner, and upon such terms and conditions, as the court shall prescribe.

Disposition of proceeds of such sale.

SEC. 9. The proceeds of such sale shall be held by such town, and be accounted for in the same way, and be held for the same uses, as the real estate would have been, had no sale thereof been made.

Town treasurer to keep record of his proceedings, &c.

SEC. 10. The town treasurer shall keep an exact record of his proceedings under the provisions of this chapter.

CHAPTER 178.

OF DEBTS AND CHARGES AGAINST THE ESTATES OF DECEASED PERSONS, AND OF LEGACIES, AND OF ACTIONS FOR THE RECOVERY OF THE SAME.

SECTION

1. Estates of deceased persons to be charged with their debts, &c.
2. Personal, first chargeable with, unless, &c.
3. What included in expenses of administering.
4. Sepulchral monuments, when allowable in funeral charges.

SECTION

5. Who to prosecute and defend suits pending, in case of death of parties.
6. Of judgment in such suits.
7. Claims against decedent, when due and payable.
8. Executor and administrator, when suable.

SECTION

- 9. Of process against.
- 10. Of *scire facias* against, suggesting waste, and of judgment and proceedings upon.
- 11. Of *scire facias* by administrator *de bonis non*.
- 12. Who to prosecute and defend pending suits, in case of executor's, &c., death, resignation, or removal.
- 13. Debts of decedent, within what time to be paid, to save administration bond.
- 14. Heir or devisee, when may aliene, &c., real estate.
- 15. Real estate, when liable for debts of deceased, and of action against.

SECTION

- 16. Of parties to such action.
- 17. Writ in, how served.
- 18. Execution in, how levied, &c.
- 19. Of sale upon such execution.
- 20. Liability of heir or devisee aliening, how enforced.
- 21. Creditors in such actions, in what order to be satisfied.
- 22. Limitation of such actions.
- 23. Settlement of estate, &c., not prevented by.
- 24. Legacy suable for at law.
- 25. Of action of account by joint executor who is residuary legatee, against co-executor.

SECTION 1. The estate of every deceased person shall be chargeable with the expenses of administering the same, the funeral charges of the deceased, and with the payment of his just debts; and the same shall be paid by the executor or administrator of the estate out of the same, if, and so far as, sufficient therefor.

Estates of deceased persons charged with their debts, &c.

SEC. 2. The personal estate shall stand chargeable for such expenses, charges, and debts, in the first instance, and the real estate for all the same which the personal estate shall be insufficient to satisfy, unless the deceased has otherwise directed by his last will and testament.

Personal, first chargeable with, unless, &c.

SEC. 3. The expenses of assigning the widow's dower, of the division and assignment of the real estate, and of the appointment of guardians of minors and others incapacitated to take care of their interests, whether they be heirs or legatees, except there be an appeal from the order making or appointing the same, shall be included in the expenses of administration.

What included in expenses of administering.

SEC. 4. Executors and administrators of estates actually solvent may, with the permission of the court of probate, erect suitable monuments at the graves of their testators or intestates; and the reasonable expense of the same shall be allowed to them, upon settlement of their accounts, as part of the funeral charges.

Sepulchral monuments, when allowable in funeral charges.

SEC. 5. In case of the death of any party, either the appellant or appellee, before the sitting of the court appealed to, or, where any action or suit is commenced or shall be pending in any court of common pleas, or in the supreme court, and it shall so happen that either party shall die before final judgment, the executor and administrator of such deceased party, in case the cause of action survives, shall have full power to prosecute or defend any such action or suit from court to court until final judgment; and is hereby obliged to prosecute or defend the same accordingly.

Who to prosecute and defend suits pending, in case of death of parties.

SEC. 6. If any executor or administrator shall neglect to appear and take upon himself the prosecution or defence of any action or suit as aforesaid, being duly notified thereof, by order of the court where the same shall be pending, or if, having appeared and become a party thereto, judgment shall pass against such executor or administrator, the said courts are hereby respectively authorized and empowered, unless the estate shall have been represented insolvent, to enter up judgment against the estate of the deceased in the hands

Of judgment in such suits.

of such executor or administrator; and the like process shall be had thereon, as if the action had been originally commenced against them in their said capacity.

Claims against decedent, when due and payable.

SEC. 7. All claims existing against any testator or intestate shall be considered due and payable at the time letters testamentary or of administration were granted; and the same may be filed and prosecuted with other claims against such estate, although, by the terms thereof, they may not be then due; and shall be entitled to payment with other claims, deducting the interest for the anticipated payment thereof.

Executor and administrator, when suable.

SEC. 8. No action shall be brought against any executor or administrator in his capacity, within one year after the will shall be proved or administration granted; nor after three years from the time of such proof or grant, except for the causes mentioned in chapter one hundred and seventy-five, section seventeen: *Provided*, notice of his appointment be given according to law; said periods to be reckoned from the time of giving such notice.

Of process against.

SEC. 9. No executor or administrator, except an executor in his own wrong, shall be holden to bail upon mesne process, nor shall his own proper goods or estate be attached, nor his person arrested, nor his person, or estate, real or personal, taken in execution for the debts or legacies of the testator or intestate, but upon suggestion of waste, as hereinafter provided; but, in such suits, writs of attachment and executions shall run against the goods, chattels, rights, and credits of the deceased only, in the hands of the executor or administrator.

Of *scire facias* against, suggesting waste, and of judgment and proceedings upon.

SEC. 10. If the execution shall issue as aforesaid against the estate of the testator or intestate, in the hands of the executor or administrator, and the officer charged with the service thereof shall return thereon that he cannot find any such estate whereon to levy such execution, and that the same has not been satisfied by such executor or administrator, a writ of *scire facias* may be sued out of the clerk's office of the same court, against such executor or administrator, containing a suggestion of waste, which writ being duly served by the officer to whom it shall be directed, and by him returned, if the executor or administrator make default of appearance, or coming in shall not show sufficient cause to the contrary, execution shall be awarded against him and his own proper estate, for the sum recovered, with interest due thereon, with costs, and, for want of estate, against the body of such executor or administrator, as for his own proper debt.

Of *scire facias* by administrator *de bonis non*.

SEC. 11. Whenever any judgment shall have been recovered by or in the name of any executor or administrator, an administrator *de bonis non* may sue out a writ of *scire facias*, and take out execution upon such judgment.

Who to prosecute and defend pending suits, if executor, &c., die, resign, or is removed.

SEC. 12. Whenever any executor or administrator, by or against whom any action is prosecuted, shall die, resign, or be removed, the action shall not thereby be abated; but the successor, if any, may come into court to prosecute or defend, or may be summoned in, in such manner as the court may direct.

Debts of decedent, within what time to be paid, to save administration bond.

SEC. 13. If any executor or administrator shall not, within three years from the probate of the will or administration granted, raise money out of the testate or intestate estate, by collecting debts due, or by selling the personal estate, or real estate, if need be, or he has power or can obtain license as aforesaid to sell the same, or shall neglect to pay over what he has in his hands to the several creditors of the testator or intestate, or shall, by his neglect as aforesaid, subject the real estate of the heir or devisee to be taken in execution, it shall

be deemed unfaithful administration in such executor or administrator, and an action may be brought upon such executor's or administrator's bond, by any such creditor, heir, or devisee, who may have been damnified thereby.

SEC. 14. No heir or devisee of any deceased person shall have power, within three years and six months after the probate of the will, or grant of administration on the estate of such person, to encumber or aliene the real estate of the deceased, so as to prevent or affect the sale thereof by the executor or administrator, if necessary, as prescribed by law: *Provided*, that after the expiration of three years and six months, the heir or devisee may aliene or encumber the same, and the same shall not be liable for the debts of the deceased in the hands of the purchaser thereof, or of any other person.

Heir or devisee, when may aliene, &c., real estate.

SEC. 15. The liability of the real estate of deceased persons for the payment of their just debts may be enforced by actions of the case, to be brought against the heirs at law or devisees of such estate: *Provided*, the personal estate of the testator or intestate be insufficient for the payment of his debts, funeral charges, and expenses of supporting his family and settling his estate.

Real estate, when liable for debts of deceased, and of action against.

SEC. 16. Such action shall be brought against all the heirs and devisees who took such estate by devise or descent from the testator or intestate, if to be found in person or estate.

Of parties to such action.

SEC. 17. The writ in such action shall be served by attaching such real estate in the first instance, by process of summons and attachment, if such estate has not been aliened by such heir or devisee; and in case of alienation, shall be in form and served as writs in other cases.

Writ in, how served.

SEC. 18. The execution in such action shall be served upon, and the debt and costs levied and collected out of, the estate received from the testator or intestate by the several heirs or devisees, in the same proportion that they hold the same, if such real estate remain unaliened, and it can be conveniently so done; and in case it be levied in any other proportion, the parties aggrieved thereby shall be entitled to a joint or several action against any person or persons in arrears, to recover such arrearages, with costs.

Execution in, how levied, &c.

SEC. 19. Upon such execution the officer charged with the service thereof shall sell such real estate, or so much thereof as shall be sufficient to satisfy such execution, at public auction, to the highest bidder, having first advertised the same as is prescribed by law in cases where the real estate is taken by execution; and on such sale, he shall give a deed of such real estate to the purchaser thereof.

Of sale upon such execution.

SEC. 20. If the heir or devisee of any such real estate shall aliene any such estate, before the same shall be attached for the debt of the testator or intestate, such heir or devisee shall be liable to pay the value of the estate so aliened, to the creditor of the testator or intestate, to be ascertained by a court or jury, who shall assess the damages in the suit that may be brought against such heir or devisee as aforesaid; and the execution in such case shall be served upon the heir or devisee who shall have aliened as aforesaid, or shall be levied on his estate, in manner prescribed by law for his own proper debt.

Liability of heir or devisee aliening, how enforced.

SEC. 21. The creditors who shall commence their actions against the heirs or devisees as aforesaid, shall be entitled to satisfaction of the debts due to them respectively from the testator or intestate, in the same order in which their writs shall be served by summoning the heir or devisee who shall have aliened.

Creditors in such actions, in what order to be satisfied.

SEC. 22. No action shall be brought against an heir or devisee, for

Limitation of such actions.

a debt of the testator or intestate, by virtue of the provisions of the seven sections next preceding, within three years next after probate of the will or grant of administration.

Settlement of estate, &c., not prevented by.

SEC. 23. Nothing herein contained in relation to such action shall interfere with, prevent, or obstruct the settlement of any estate, whether solvent or insolvent, by executors and administrators, in manner by law provided.

Legacy suable for at law.

SEC. 24. Any person having a legacy given to him in any last will and testament, may sue for and recover the same at law.

Of action of account by joint executor who is residuary legatee, against co-executor.

SEC. 25. Any executor, being a residuary legatee, may bring an action of account, or in the nature of an action of account, against his co-executor or co-executors of the estate of the testator, in his or their hands, and may sue for and recover his proportionate part thereof; and every other residuary legatee shall have the like remedy against the executors.

CHAPTER 179.

OF THE SETTLEMENT OF ACCOUNTS OF EXECUTORS AND ADMINISTRATORS.

SECTION

1. Executors and administrators, how often, and how to account.
2. Of citation to, in case of neglect to account.
3. Of liability of and penalty upon, in case of neglect, after being cited.
4. Assets, not inventoried, to be accounted for.
5. Assets, unless sold by order of court, at what rate to be accounted for.
6. Allowance to executor, &c., for

SECTION

- support of family of deceased, to be made in settling accounts.
7. Allowance for funeral charges and of administration.
8. Allowance for personal services.
9. Obligation to pay interest, when reasonable.
10. Settlement of accounts of, final.
11. Of disposition of estate of minor remaining after settlement of final account, not exceeding three hundred dollars.

Executors and administrators, how often, and how to account.

SECTION 1. Every executor and administrator shall make out and return to the court of probate, yearly, and in every year, his account relative to the estate in his hands, with a statement of the liquidated balance that may be due to or from him.

Of citation to, in case of neglect to account.

SEC. 2. Every court of probate shall issue a citation to any executor and administrator, having accounts unsettled with such court, after the term limited for the exhibit of the first account, to be and appear before such court at the first meeting thereof next after the first Monday of January, then following, to show cause why he has neglected to exhibit an account as aforesaid; and such court may issue a citation to any executor or administrator, to render an account relative to the estate in his hands, with a statement of the liquidated balance that may be due to or from him, at such other time or times as they may deem proper.

Of liability of, and penalty upon, in case

SEC. 3. If any executor or administrator, after being cited as aforesaid, shall neglect or refuse to render an account pursuant thereto, for the space of thirty days, without assigning to such court satisfactory

reason therefor, such executor or administrator shall be held accountable for the full value of the personal property of the deceased, with interest, and shall be entitled to no compensation for his services.

of neglect, after being cited.

SEC. 4. All assets, though not inventoried, shall be accounted for, and the executor or administrator shall be charged therewith, in the account-of administration.

Assets not inventoried, to be accounted for.

SEC. 5. The whole of the personal estate of the deceased, except money due, shall be accounted for by the executor or administrator at double the appraised value thereof, unless the whole shall be sold at public auction, or unless the court of probate shall direct the same, or a part thereof, to be sold at private sale, in which case the net proceeds only of the whole, or part so sold, shall be accounted for.

Assets, unless sold by order of court, at what rate to be accounted for.

SEC. 6. In the settlement of the accounts of executors and administrators, the court of probate shall make reasonable allowance for the support of the family of the deceased, after his decease, until the same can otherwise be provided for, having due regard to the situation of the family, and the value and circumstances of the estate; such allowance to be made for a term not exceeding six months.

Allowances to be made to executor, &c., for support of family of deceased.

SEC. 7. Executors and administrators shall be allowed, in their accounts, all reasonable charges and disbursements which they shall lay out and expend in the funeral of the deceased, and other their administration.

Allowance for funeral charges and administration.

SEC. 8. They shall also be allowed such recompense for their personal trouble as the court of probate, on settling their accounts, may consider just.

For personal trouble.

SEC. 9. They may be compelled to pay interest for the detention of money in their hands, if, in the opinion of such court, it shall be reasonable.

When to pay interest, &c.

SEC. 10. The settlement of the accounts of any executor or administrator, by the court of probate, or, in case of appeal, by the supreme court, shall be final and conclusive on all parties concerned therein, and shall not be subject to reëxamination in any way or manner whatsoever.

Settlement of accounts of, final.

SEC. 11. Whenever it shall appear, in the final account of an executor or administrator, that the estate of any minor, in his hands, does not exceed three hundred dollars, the same may be applied or disposed of in such manner as the court of probate shall deem for the advantage of the minor.

Of disposition of estate of minor, not exceeding three hundred dollars.

CHAPTER 180.

OF THE BONDS OF EXECUTORS AND ADMINISTRATORS, AND OF SUITS THEREON.

SECTION

1. Bonds of, to whom and in what name given.
2. In whose name to be sued.
3. Who entitled to copy of, and to sue on.
4. Writ, how to be endorsed, and who to secure costs.

SECTION

5. Requisites of suit on by creditor, if estate solvent.
6. Requisites, if estate insolvent.
7. Requisites of suit on, by heir.
8. Judgment in suit on.
9. Chancerization of.
10. Who deemed the creditor, in suit

<p>SECTION</p> <p>on, and of judgment, if several suitors join.</p> <p>11. Power of court to permit persons interested to become parties to pending suits on.</p> <p>12. Who may bring <i>scire facias</i> on judgment on.</p> <p>13. Suits or judgments on, no bar to suits against other obligors, &c.</p> <p>14. Judgment in favor of obligors, no</p>	<p>SECTION</p> <p>bar to suits for different claimants, &c.</p> <p>15. Of suits on, for the benefit of all concerned.</p> <p>16 and 17. In what cases such suits brought.</p> <p>18. Of judgment and chancerization in such suits.</p> <p>19. Amount recovered in such suits, how and by whom to be applied.</p>
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Bonds of, to whom and in what name given.

SECTION 1. In all cases where bonds are required by law to be given to any court of probate, they shall be given to such court by name, and not to the individuals who may, at the time, constitute the same, and all bonds so given shall be recorded by the clerk of such court, in a book to be by him kept for that purpose.

In whose name sued.

SEC. 2. Such bonds shall be sued in the name of the court, and not in the name of the individuals composing it.

Who entitled to copy of, and to sue on.

SEC. 3. Every person interested in a bond given by an executor or administrator to a court of probate shall be entitled to a copy thereof, and to sue thereon in the name and style of the court to which the bond is given.

Writ, how to be endorsed, and who to secure costs.

SEC. 4. The writ, in addition to the usual endorsement of the name of the plaintiff or his attorney, shall also have the name or names of the person or persons for whose benefit the suit is brought, written thereon; who shall give security for costs as in other cases, and against whom, if the defendant recover, execution for his costs shall issue.

Requisites of suit on by creditor, if estate solvent.

SEC. 5. If the suit be brought by a creditor of the deceased, he shall, in order to maintain his action, first have his debt or damages ascertained by judgment, unless the estate be insolvent, and also prove that demand had been made of the executor or administrator therefor, and that the executor or administrator had refused or neglected to satisfy the same, or to show goods or estate of the deceased for that purpose.

Requisites, if estate insolvent.

SEC. 6. If the estate of the deceased be insolvent, the creditor shall produce a copy of the order of distribution of the estate of the deceased amongst the creditors specifying each creditor's claim, and the dividends they are severally entitled to, and prove that a demand has been made of the executor or administrator for his particular dividend.

Requisites of suit on, by heir.

SEC. 7. If the suit be brought by an heir, for his part of the personal estate, he shall exhibit a copy of the decree of the probate court, ascertaining its amount, and that he has made a demand therefor upon the administrator.

Judgment in suit on.

SEC. 8. Whenever it shall appear by verdict, default, submission, or otherwise, that the penalty of such bond is forfeited, judgment shall be entered in common form for the whole penalty; and such judgment shall, as in other cases, be a security for all interested.

Chancerization of.

SEC. 9. Upon a hearing in chancery upon such forfeiture, the court shall examine the claims of the several parties whose names are endorsed upon the writ, and judgment shall be rendered for such parties respectively, for the amount so ascertained to be due to each; "that the court of probate of _____ now have execution for _____, being part of the penalty forfeited and costs taxed at _____ for the use of _____ of _____ in the

county of _____, a creditor or heir of _____ deceased (as the case may be).”

SEC. 10. Any person to whose use judgment shall be rendered in the name of the court of probate as aforesaid may sue out execution thereon, and have the same levied according to law, and shall be deemed and taken to be the creditor, to every intent and purpose whatsoever; and whenever there are several persons to whose use the moneys recovered as an administration bond are to enure, there shall be as many separate and distinct judgments in form aforesaid.

Who deemed the creditor in suit on, and of judgment, if several suitors join.

SEC. 11. During the pendency of such suit, the court may, on motion, permit any person interested to become a party thereto, by endorsing his name on the writ and by giving security for costs if required; and thereupon such person shall have the same rights, and be subject to the same liabilities, as if his name had been endorsed upon the writ before the service thereof.

Power of court to permit persons interested to become parties to pending suits.

SEC. 12. After judgment for the penalty of such bond, any person interested, upon giving security for costs as in other cases, may sue out a *scire facias* on such judgment, and, upon proof of his claim as aforesaid, may have judgment as aforesaid that an execution issue to his use.

Who may bring *scire facias* on judgment on.

SEC. 13. No suit or judgment on such bond shall abate or bar any suit thereon, against any obligor against whom no suit has been commenced, or judgment rendered.

Suits, &c., on, no bar to suits against other obligors, &c.

SEC. 14. A judgment in favor of the obligors shall, in no case, bar any suit thereon for the benefit of a different claimant, or of the same claimant for a different claim.

Judgment for obligors, &c., no bar to suit, &c.

SEC. 15. Besides suits brought for the benefit of particular claimants as aforesaid, a suit for the benefit of all concerned in the estate may be brought on such bond, at the instance of any party interested, who shall give security for costs to the defendant on the writ, and satisfactory bond to the court of probate, securing such court against expenses and costs, in which case, endorsement that the suit is brought for the benefit of all interested in the estate shall be made upon the writ.

Of suits on, for the benefit of all concerned

SEC. 16. Such suit may be brought whenever it shall appear that the administrator, or the executor not being residuary legatee or not having given bond to pay debts and legacies, has received personal estate of the testator or intestate, and has not, after being cited by the court so to do, exhibited upon oath a particular inventory thereof.

In what cases such suit brought.

SEC. 17. Such suit may be brought if the executor or administrator, after being cited by the court so to do, shall refuse or neglect to account, upon oath, for the property of the testator or intestate by him received, or then in his hands.

Same subject.

SEC. 18. In the cases mentioned in the two sections next preceding, judgment shall be rendered against the executor or administrator so in default, for the full penalty of such bond; and upon hearing in chancery upon such forfeiture, the court shall award execution against such executor or administrator, in favor of the court of probate, for the full value of the personal estate of the deceased proved to have come to his hands, or, in case he has once accounted, remaining or being in his hands at and since the last accounting, without any discount, abatement, or allowance for charges and expenses of administration.

Of judgment and chancery in such suits.

SEC. 19. In case of such recovery, the amount so recovered shall be deemed to be the property of the testator or intestate; and, after

Amount recovered in such suits, how and

by whom to be applied.

paying therefrom all expenses of recovery, shall be administered through the intervention of a new administrator, to be appointed for that purpose.

TITLE XXV.

OF THE JUDICIARY AND ITS OFFICERS.

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 CHAPTER 182. Of the court of common pleas.
 CHAPTER 183. Of the terms of the supreme court and court of common pleas, and of the adjournment thereof.
 CHAPTER 184. Of special courts of common pleas and of proceedings therein.
 CHAPTER 185. Of justice courts, their organization and civil jurisdiction.
 CHAPTER 186. Of the criminal jurisdiction of, and of certain criminal proceedings before, justice courts.
 CHAPTER 187. Of clerks of the supreme court and court of common pleas.
 CHAPTER 188. Of the reporter and reports of the decisions of the supreme court.
 CHAPTER 189. Of jurors and juries.
 CHAPTER 190. Of sheriffs, deputy sheriffs, and jailers.
 CHAPTER 191. Of the keeper of the jail in the county of Providence.
 CHAPTER 192. Of town sergeants and constables.

CHAPTER 181.

OF THE SUPREME COURT.

SECTION

1. Justices of, how many, how appointed, commissioned, and to hold office, and how many a quorum.
2. Of oath of justice of.
3. Jurisdiction of court in pleas and civil actions at law and in criminal matters; power of, to issue prerogative writs, &c.; power of, over divorce, separate maintenance, alimony, and custody of children; power of, to administer oaths, punish contempts, and make rules and orders, &c., power of, to avoid

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- judgments, &c., execution and process.
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5. Power of, to frame issues of fact to be tried by a jury, subject to rules of chancery.
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what cases must be given to adverse party.

- 11, 12, 13, 14, 15, and 16. Power of court, or justice of, over assignees under assignments for benefit of creditors, and of proceedings therein.
- 17, 18, and 19. Power of assignee appointed by court, to report and resign; his duty, and proceedings of court in such case.
- 20. Saving of liability of assignee.
- 21. Appellate power of supreme court, in probate cases.
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- 25. Power of, to order service of process out of the state.

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- 26. Appellate and original concurrent jurisdiction of, in criminal cases.
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- 28. No indictments to be found in the county of Providence; what indictments to be certified to said court and tried therein.
- 29. Duty of supreme court to charge the grand jury.
- 30. Power of, to arraign, require to plead, and issue writs of *capias* against accused.
- 31. Duty of, to instruct petit jury; effect of material misstatement of testimony.
- 32. Power of, to punish persons convicted before it.
- 33. Justices of, conservators of the peace throughout the state.
- 34. Duty of justice of, to examine minutes and records of court and report upon same.

SECTION 1. The supreme court shall consist of a chief justice and three associate justices, to be elected, commissioned, and to hold their offices as prescribed in the constitution, and any two justices thereof shall constitute a quorum.

SEC. 2. Each of said justices shall, before he proceeds to execute any of the duties of his office, take the following engagement: I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution and laws of this state; that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as chief justice (or as one of the associate justices, as the case may be) of the supreme court, according to the best of my abilities, agreeably to law; so help me God; (or, this affirmation I make and give upon peril of the penalty of perjury.)

SEC. 3. The supreme court shall have:—

Cognizance of all pleas, real, personal, and mixed, and of all civil actions between party and party, and between the state and citizens thereof, and of all criminal proceedings which may be legally brought before it;

Exclusive authority to issue writs of error, certiorari, mandamus, prohibition, *quo warranto*, or to entertain informations in the nature of a writ of *quo warranto*, and may issue writs of *habeas corpus*, and all other writs and processes, to courts of inferior jurisdiction, to corporations and individuals, that shall be necessary to the furtherance of justice, and to the due administration of the laws;

Exclusive cognizance and jurisdiction of all petitions for divorce, separate maintenance, alimony, and custody of children, with all incidental powers necessary to the proper discharge of its duties therein according to law;

Justices of, number, appointment, commission, tenure of office, and quorum. Oath of justice of.

Jurisdiction of court in pleas and civil actions at law and criminal matters;

power of, to issue prerogative writs, &c.;

power of, over divorce, separate maintenance, alimony, and custody of children;

power of, to administer oaths, punish contempts, and make rules and orders, &c.;

Power to punish by fine or imprisonment all contempts of authority, in any cause or hearing before them; to make rules and orders for said court, and the court of common pleas, directing the returning of writs and processes, the filing of pleadings, the taking of rules, the entering and making up of judgments, the custody, deposit, investment, and payment of moneys, in the registry of the court, and other matters, in vacation or otherwise, in manner not repugnant to law; to regulate the practice before said court as shall be fit and necessary for the advancement of justice, and especially to prevent delay in proceedings; and to establish rules for the admission of attorneys to practise in the courts in this state;

power of, to award judgments, &c., execution and process.

Power to make and award all such judgments, decrees, and orders, and to issue all such executions and other writs and processes, and to do all such other acts, as may be necessary or proper to carry into full effect all the powers and jurisdiction, whether original or appellate, which are or may be given to them by the constitution or by law.

Equity powers of.

SEC. 4. The supreme court shall have exclusive cognizance and jurisdiction of all suits and proceedings whatsoever in equity, with full power to make and enforce all orders and decrees therein, and to issue all process therefor according to the course of equity.

Power of, to frame issues of fact for jury trial, &c.

SEC. 5. The court may frame, in its discretion, issues of fact to be tried by a jury, according to the course and subject to the rules of chancery.

When to be open for equity purposes.

SEC. 6. The supreme court shall be always open, except on Sundays and legal holidays, for hearing and for making, entering, and modifying orders in equity, and issuing writs therein.

Interlocutory orders, &c., in equity, how and when made, &c.

SEC. 7. Any justice of the supreme court may pass rules, and make any orders and decrees in equity, except final decrees. Said court in any county may by rule authorize the clerk to enter up interlocutory decrees and orders when of course, subject to be set aside or varied upon application and notice by a single justice of said court in vacation, or by the said court in term time.

Orders and writs of injunction, when made and issued.

SEC. 8. Any justice of said court may, at any time, according to the course of courts of equity, and after such rules as to notice as the court may prescribe, make orders, and issue writs of injunction.

What proceedings in equity may be heard in any county.

SEC. 9. Suits and all proceedings in equity, except the trial of an issue of fact to the jury, pending in one county, may, by order of the court, or any justice thereof, be heard and determined in any county, and all orders and decrees made in such hearings shall be transmitted to the clerk of the court in the county where such suit shall be pending, to be there filed and entered of record.

Notice of hearing, when must be given adverse party.

SEC. 10. No suit or motion in equity shall be heard, except a motion for preliminary injunction, or for a writ *ne exeat*, until reasonable notice of such hearing shall have been given to the adverse party or to his attorney.

Power of court or justice of, over assignees under assignments of debtors, to require inventory and bond.

SEC. 11. The said court in term time, and either of the justices thereof in vacation, may, upon the petition of any creditor interested in a deed of assignment made by a debtor for the benefit of creditors, upon due notice and for cause shown, by summary order, require the assignee or assignees named in such deed to render on oath to said court or justice an inventory of the effects, estates, and credits conveyed by such deed, so far as the same can be ascertained, and to give bond with sufficient surety or sureties to the satisfaction of said court or justice for the faithful performance of the trusts of such deed.

SEC. 12. Such bond shall be given to the clerk of said court for the

time being of the county in which the petition is filed, and shall enure to the benefit of all the creditors interested in said deed of assignment, according to the provisions thereof.

Bond, how given and to enure.

SEC. 13. The said court or justice shall remove any assignee who shall neglect or refuse to render such inventory, or to give such bond when thereunto required as aforesaid; and may, upon the petition of a majority in interest of the creditors interested in any such deed of assignment, upon due notice, and for cause shown, remove the assignee or assignees named therein from their office and trust.

Power of court or justice to remove such assignee.

SEC. 14. In case of such removal of an assignee, said court or justice shall appoint one or more suitable persons to receive, take, and recover all the effects, estate, and credits conveyed in such deed of assignment; and the same to hold and dispose of, for the uses, intents, and purposes set forth in such deed of assignment; which person or persons so appointed shall, by operation of law, have and enjoy all the rights and estates, and be subject to all the duties, liabilities, and responsibilities, that appertain by virtue of such deed of assignment to the assignee or assignees removed.

Of the appointment of assignee in place of one removed, and powers and duties of.

SEC. 15. No suit pending in favor of or against any such assignee removed shall be abated or discontinued by reason of such removal or appointment, but the new assignee may prosecute, and shall defend against any such suit, for the benefit of the assigned estate.

Removal, not to abate suits pending.

SEC. 16. Upon removal of any assignee by summary proceeding as aforesaid, the court or justice making the removal and new appointment shall make provision for the settlement of the account of the assignee removed, according to the course of equity; and may enforce the payment of any balance due from him to the assigned estate, by execution in favor of the new assignee.

Of provision for settlement of account of assignee so removed.

SEC. 17. Any person who shall have been appointed by the supreme court an assignee, under any voluntary assignment, in the place of the assignee named therein, and who shall have acted as such, may make report to the supreme court of what he has done under such appointment, and resign the same.

Power of assignee appointed by court to report and resign.

SEC. 18. The assignee so resigning shall deposit with the clerk of the supreme court the books, papers, deeds, and evidences of indebtedment belonging to the assigned estate, which he has in his possession; shall pay into the registry of the court any moneys which he has, or which the court on any inspection of his report may declare to be due from him, as such assignee; and if he has any other property belonging to the assigned estate, shall hold the same subject to the order of the court for delivery to the assignee, who may be appointed in his place by said court, on application of the creditors or any of them.

Duty of, upon resigning.

SEC. 19. The supreme court, on receiving such report, shall give such notice to the assignor and the creditors, either personally or by advertisement, as it shall think proper; and shall thereupon take such action as it shall deem necessary to carry into effect the trusts of the assignment.

Proceedings of court in such case.

SEC. 20. The proceeding hereby authorized shall not protect the assignee resigning from prosecution, either at law or in equity, for any default or violation of duty under his appointment.

Saving of liability of assignee.

SEC. 21. The supreme court shall be the supreme court of probate in this state, and shall have cognizance and jurisdiction of all matters brought legally before it, by appeal or otherwise, from any court of probate which is or shall be established by law.

Appellate powers of supreme court in probate cases.

SEC. 22. The supreme court shall have original jurisdiction, con-

Original concurrent jurisdiction of, in civil suits at law, and of costs in.

current with the courts of common pleas in each county, except in the county of Providence, in all civil actions in which the debt or damages laid in the writ shall amount to the sum of one hundred dollars or upwards; and in the county of Providence, in all civil actions in which the debt or damages laid in the writ shall amount to the sum of three hundred dollars or upwards: *Provided*, that the plaintiff commencing his action originally in the supreme court shall not recover costs, unless he shall recover in such action such sum or upwards thereof, or goods and chattels of the value of such sum or upwards thereof, as shall be sufficient to give said court jurisdiction in the county in which such action was commenced, or unless the action be an action of ejectment or replevin, or an action in which the title to real estate, or to some right, easement, or interest therein, is in question.

Affidavit not to be required of defendant, except, &c.

SEC. 23. No rule shall be adopted by said court requiring a defendant in an action at law to make affidavit as to any fact, other than that he believes he has a valid defence and intends to bring his case to trial, in order to entitle him to a trial by jury.

Power of supreme court to prescribe forms of writs.

SEC. 24. Whenever there shall be occasion for any writ or process for which no form is prescribed by statute, or for any change in any form prescribed, to adapt such form to a change of law, said court shall frame a new writ or process, or change the old one, in conformity with law.

Power of, to order service of process out of the state.

SEC. 25. The supreme court may order service of any process, original or auxiliary, at law or in equity, upon persons out of the state, by personal notice, publication in a newspaper within or without the state, or otherwise, for the purpose of dealing with any property, relation, or person within the state, and subject to the jurisdiction thereof, according to law.

Appellate and original concurrent jurisdiction of, in criminal cases.

SEC. 26. The supreme court shall have cognizance and jurisdiction of all crimes, offences, and misdemeanors, which shall be brought before them by appeal, commitment, or recognizance, indictment, or otherwise, and, except in the county of Providence, shall have original jurisdiction, concurrent with the court of common pleas, over all crimes, offences, and misdemeanors whatsoever.

Exclusive criminal jurisdiction of.

SEC. 27. The supreme court shall have exclusive power to try indictments for crimes which may be punished by imprisonment for life, whether such indictments are found in said court or certified to the same by any other court.

No indictments to be found in Providence county; what indictments to be certified thereto, &c.

SEC. 28. No indictments shall be found in said court in the county of Providence, and none other than the indictments for crimes punishable by imprisonment for life shall be tried in said court in said county, but such indictments in said county shall be certified to said court, and be tried therein, in like manner as if the same had been found therein.

Duty of supreme court to charge grand jury.

SEC. 29. Whenever a grand jury shall be empanelled by the supreme court, they shall be empowered, required, and charged, by one of the justices thereof, diligently to inquire and true presentment make of all crimes or offences cognizable by said court within the county in which it is in session, and such instruction shall be given to them relative thereto as such justice shall deem necessary and proper.

Power of, to arraign, require to plead, and issue writs of *capias* against accused.

SEC. 30. The supreme court may arraign all persons presented by a grand jury, or against whom an indictment shall be certified to said court, and may require them to plead to the indictment against them if in custody, or if taken while the court is in session; and if not in custody or taken as aforesaid, may issue writs of *capias* on such in-

dictments, returnable in the same term, or to the next term of the court in the same county.

SEC. 31. The supreme court shall also instruct the petit jury in the law applicable to each case civil and criminal, before the same is finally committed to them; and shall sum up the evidence therein for the instruction of the jury, whenever said court shall deem it advisable so to do, but any material misstatement by the court of the testimony shall, upon motion of the party aggrieved, be cause for a new trial.

Duty of, to instruct petit jury;

effect of misstatement of testimony.

SEC. 32. The supreme court shall inflict upon all persons convicted before it of any crime, offence, or misdemeanor, such punishment as is or shall be by law provided.

Power of, to punish convicts.

SEC. 33. The justices of the supreme court shall, by virtue of their office, be severally conservators of the peace throughout the state; and shall severally have the same powers in criminal cases throughout the state that justice courts have in their respective towns.

Justices of, conservators of the peace throughout state.

SEC. 34. Some one of the justices of said court shall examine the state of the clerks' offices thereof, ascertain that the files and papers are in proper order, that the minutes of the proceedings of the court have been properly taken and kept, and its judgments, orders, and decrees have been regularly and seasonably recorded; and the justice making the examination shall apprise the general assembly at its May session, by certificate handed to the clerk or otherwise, of the state of the files, papers, minutes, and records in each office, and whether the judgments, orders, and decrees of said court have been recorded as aforesaid.

Duty of justice of, to examine minutes and records of court, and report upon same.

CHAPTER 182.

OF THE COURT OF COMMON PLEAS.

SECTION

1. Court of common pleas, by whom held.
2. Original jurisdiction of, in civil actions at law.
3. Original jurisdiction, concurrent with supreme court, in criminal matters.
4. Duty of, to charge grand jury.
5. Power of, to arraign persons presented, if in custody, and to issue writs of *capias* against those not.
6. Power of, to admit to bail.
7. Power of, to sentence prisoner pleading guilty.
8. Power of, to try criminals.
9. Duty of, to certify to supreme court indictments beyond power of, to try.

SECTION

10. Appellate jurisdiction of, civil and criminal.
11. Power of, to take recognizances in criminal cases pending before.
12. Power of, to punish for contempts, and issue writs, &c.
13. Duty of, to instruct petit jury; effect of material misstatement of testimony.
14. Power of, to be exercised by any judge of supreme court.
15. Justice holding, or some justice of supreme court, to examine minutes and records of, and report to general assembly condition of.
16. May be holden at same time in different counties.

Court of common pleas, by whom held.

SECTION 1. There shall be a court of common pleas, to be holden in each county, at such times and places as shall be by law appointed, by some one of the justices of the supreme court, to be from time to time designated by said justices, or a majority thereof.

Original jurisdiction of, in civil actions at law.

SEC. 2. The said court shall have original jurisdiction of all civil actions at law, between party and party, which shall be commenced by attachment of real estate, or which relate to real estate, or to some right, easement, or interest therein, the title to which is in dispute, or which shall be of one hundred dollars' value or upwards, of what kind or nature soever, except where the proceedings must be commenced by writs exclusively issuable by the supreme court; with full power to give judgment in such actions, when legally brought before said court, and to award execution thereon.

Original concurrent jurisdiction, in criminal matters.

SEC. 3. The said court shall have original jurisdiction, concurrent with the supreme court, and without appeal, of all crimes, offences, and misdemeanors whatsoever, except as is otherwise provided; and shall inflict upon all persons convicted before said court such punishments as are or may be by law prescribed.

Duty of, to charge grand jury.

SEC. 4. Whenever a grand jury shall be empanelled by said court in any county, they shall be empanelled, required, and charged diligently to inquire and true presentment make of all crimes and offences done or committed within the county; and shall, in so far as may be deemed necessary, be instructed by said court in the law relative thereto.

Power of, to arraign persons presented, if in custody, and to issue writs of *capias* against those not.

SEC. 5. The said court may arraign all persons presented by a grand jury, and may require such persons to plead to the indictments against them, if in custody, or if taken while said court is in session; and if not in custody, or taken as aforesaid, may issue writs of *capias* on such indictments, returnable to the same or to the next term of said court, or of that court in said county which has jurisdiction to try the indictment.

Power of, to admit to bail.

SEC. 6. The said court may admit to bail all persons indicted before it for any offence whatsoever.

Power of, to sentence prisoner pleading guilty.

SEC. 7. Whenever, upon arraignment before said court, a prisoner shall plead guilty, or shall refuse to contend with the state, he may be sentenced by said court, whatsoever his offence may be, with the same effect as if said offence were triable before said court.

Power of, to try criminals.

SEC. 8. If, upon arraignment, the prisoner shall plead otherwise than as above, said court shall proceed to try him upon the indictment, if the offence charged therein be not one which may be punished by imprisonment for life, and to sentence or discharge him according to the result of the trial.

Duty of, to certify to supreme court indictments beyond power of to try.

SEC. 9. If, in such case, the crime charged in the indictment be one which may be punished by imprisonment for life, said indictment, and all papers belonging thereto, shall be certified to the supreme court in the same county, for trial before said court.

Appellate jurisdiction of, civil and criminal. Power of, to take recognizances in criminal cases pending before.

SEC. 10. The said court shall have jurisdiction of all appeals, civil and criminal, from justice courts, and of all appeals from all other courts or tribunals, which are, or may be, by law given to said court.

SEC. 11. In criminal cases pending in said court on appeal from justice courts, in which the complainants are required by law to give recognizance to prosecute their complaint, the said court may require any complainant to enter into a recognizance in a sum not exceeding one hundred and fifty dollars, with sufficient surety satisfactory to said court, to prosecute his complaint with effect; and in default thereof, to pay all costs that may accrue thereon; and for cause

shown, to require a like recognizance to be given, in addition to the recognizance required by the justice court, which had original jurisdiction of such complaint; and also in addition to any recognizance which may have been ordered by said court of common pleas; and upon refusal or neglect of the complainant to enter into such recognizance with surety as aforesaid, said court may dismiss the complaint.

SEC. 12. The said court may punish by fine and imprisonment all contempts of authority in any cause in hearing before it, and may issue all such writs and processes whatsoever, and do all such other acts as may be necessary and proper to carry into full effect all the powers which are or may be given to said court.

Power of, to punish for contempts, and issue writs, &c.

SEC. 13. In every case, civil and criminal, tried in said court with a jury, said court shall instruct the jury in the law relating to the same, and may sum up the evidence therein to the jury, whenever the court may deem it advisable so to do, but any material misstatement of the testimony by said court shall, upon petition of the party aggrieved, be cause for a new trial.

Duty of, to instruct petit jury; effect of misstatement of testimony.

SEC. 14. All powers conferred upon the court of common pleas, or upon the judge thereof, may be exercised by any justice of the supreme court conformably to law.

Power of, who may exercise.

SEC. 15. The justice of the supreme court designated to hold the court of common pleas, or one of the justices of the supreme court, shall examine the state of the clerk's office of the court of common pleas in each county, to ascertain that the files and papers are in proper order, that minutes of the proceedings of the court have been properly taken and kept, and that the judgments, orders, and decrees of said court have been regularly and seasonably recorded; and the justice making such examination shall, by certificate to be handed to the clerk of said court, or otherwise, annually report to the general assembly at its May session the state of the files, papers, minutes, and records in the office of each of the clerks of said court, and whether the judgments, orders, and decrees of said court have been recorded as aforesaid.

Justice holding, or some justice of supreme court, to examine minutes and records of, and report to general assembly condition of.

SEC. 16. The court of common pleas, with the full power and jurisdiction thereof, may be holden by different justices of the supreme court at the same time in different counties, whenever the business of the court shall require; the justices to hold such courts to be designated by the justices of the supreme court, or the majority thereof.

May be holden at same time in different counties.

CHAPTER 183.

OF THE TERMS OF THE SUPREME COURT AND COURT OF COMMON PLEAS, AND OF THE ADJOURNMENT THEREOF.

SECTION

1. Times and places of holding the terms of the supreme court.
2. Times and places of holding the terms of the court of common pleas.
3. Civil actions and appeals to be continued over March and Sep-

SECTION

- tember terms of court of common pleas for Providence county.
4. Writs, civil process, and appeals, to what terms in said county returnable and to be made.
5. March and September terms of said court for what business

SECTION

- held; civil cases may then be tried, when.
- 6. What justice or justices may adjourn courts.
- 7. In what cases, clerk and sheriff.
- 8. Of adjournment by writ.
- 9. Duty of sheriff, upon receipt of writ, to publish and notify.

SECTION

- 10. Duty of, to return writ of adjournment.
- 11. Effect of adjournment upon pleas, actions, &c., pending.
- 12. Effect of not holding court at time appointed, upon pleas, actions, &c., pending.

Times and places of holding supreme court in Newport, Providence, East Greenwich,

South Kingstown,

Bristol.

Times and places of holding court of common pleas in Newport, Providence,

East Greenwich, South Kingstown,

Bristol.

Civil actions and appeals to be continued over March and September terms of court of common pleas, Providence county.

Writs, civil process, and appeals, to what terms in said county returnable, &c.

March and September terms, for what business held;

civil cases may be then tried, when.

SECTION 1. The terms of the supreme court shall be holden yearly and every year at the times and places following, to wit: At Newport, within and for the county of Newport, on the third Monday in March and on the third Monday in September; at Providence, within and for the county of Providence, on the fourth Monday in March and on the first Monday in October; at East Greenwich, within and for the county of Kent, on the second Monday in March and on the fourth Monday in August; at South Kingstown, within and for the county of Washington, on the third Monday in February and on the third Monday in August; at Bristol, within and for the county of Bristol, on the first Monday in March and on the second Monday in September.

SEC. 2. The terms of the court of common pleas shall be holden yearly and every year at the times and places following, to wit: At Newport, within and for the county of Newport, on the third Monday in May and on the third Monday in November; at Providence, within and for the county of Providence, on the first Monday in March, on the first Monday in June, on the first Monday in September, and on the first Monday in December; at East Greenwich, within and for the county of Kent, on the second Monday in April and on the second Monday in October; at South Kingstown, within and for the county of Washington, on the second Monday in May and on the first Monday in November; at Bristol, within and for the county of Bristol, on the first Monday in May and on the last Monday in October.

SEC. 3. All original civil actions and appeals, excepting suits upon recognizances in favor of the state, pending in the court of common pleas, in and for the county of Providence, at any June or December term thereof, shall, if continued, be continued to the next December or June term of said court respectively, without charge to either party therein, for court or clerk's fees, for the March and September terms of said courts; and no attorney's fees, attendance, or costs of any kind shall be taxed in such cases for said last mentioned terms.

SEC. 4. All writs and civil process of said court of common pleas, excepting writs of *scire facias* upon recognizances, shall be made returnable to the June and December terms of said court, and all civil appeals to said court shall be made to said June and December terms.

SEC. 5. The March term and the September term of said court in and for the county of Providence shall be holden for the transaction of criminal business, and the trial of actions of *scire facias* upon recognizances only: *Provided*, that said court at either of such terms may, with the consent of the parties to any civil action pending therein, and which has been continued to a succeeding June term or December term of said court, take off the order of continuance, and such action may be tried or otherwise disposed of at such March

term or September term, in the same manner, and with the like effect, as at the term of said court to which it stood continued.

SEC. 6. The supreme court, or any one of the justices thereof, holding or attending to hold the same, may adjourn the same, and any one of said justices holding or attending to hold the court of common pleas may adjourn the same, from time to time, at his or their discretion.

What justice or justices may adjourn courts.

SEC. 7. In case a justice of the supreme court shall not attend, or remain in attendance, to adjourn the courts, the clerk of the court, or, in case of his death, absence, or inability, the sheriff of the county, may adjourn such court from day to day, for not more than six days.

In what cases clerk or sheriff.

SEC. 8. If, from any cause, a justice of the supreme court cannot attend within six days from the time appointed by law for the holding of such courts, or from the time to which such courts may have been adjourned, any one of the justices of said court, by writ under his hand and seal, directed to the sheriff of the county, may adjourn such court to a further day, as in said writ shall be expressed.

Of adjournment by writ.

SEC. 9. The sheriff, upon the receipt of such writ, shall cause publication to be made of the same at the court-house in the county, and at some other of the most public places within the same county; and also cause a notification of such adjournment, and the time to which it is made, to be posted up at or near the said court-house, and other public places, as aforesaid, to the intent that unnecessary travel, charge, and attendance of all persons concerned, may be prevented.

Duty of sheriff upon receipt of writ, to publish and notify.

SEC. 10. The sheriff shall return such writ, with his doings thereon, into the clerk's office of such court.

Duty of, to return writ.

SEC. 11. All writs, actions, pleas, processes, precepts, recognizances, and other things whatsoever, returnable, or having day in said courts, shall stand, abide, and continue unto the said adjournments made in any of the modes aforesaid, and be holden, deemed, and adjudged to be as good, effectual, and available in law to all intents, constructions, and purposes, as if such courts had been holden and kept on the day appointed for holding the same, and no adjournment of the same had been made.

Effect of adjournment upon pleas, actions, &c., pending.

SEC. 12. If from any cause, said courts in any county shall not be holden at the times appointed by law, or to which the same may have been adjourned, all business of every kind and nature pending in such courts shall be heard, proceeded upon, and determined at the next term of such courts, in the same manner as it might have been heard, proceeded upon, and determined, at the term or session by adjournment, which was to have been, but was not holden.

Effect upon same of not holding court at time appointed.

CHAPTER 184.

OF SPECIAL COURTS OF COMMON PLEAS, AND OF PROCEEDINGS THEREIN.

SECTION

1. Special courts of, how held.
2. Jurisdiction of.
3. Special court writ, declaration, and answer, when served, returned, or filed.

SECTION

4. Of judgment in, if no answer or appearance.
5. Of special leave to answer.
6. Issues of fact in, how tried.

SECTION

- 7. *Venire facias*, when, and by whom issued.
- 8. When clerk to notify judge.
- 9. Executions on judgments in, when to issue, and be returned.
- 10. Judgment in action of trespass and ejectment, no bar to such action in any other court.
- 11. Power of, in matters relating to turnpikes and railroads, and of notice to party and judge.

SECTION

- 12. Power of, in case of location of railroad, and how called.
- 13. Of notice of location to parties interested.
- 14. Power of, over report of location.
- 15. Fees in, in case of location, and how paid.
- 16. Special courts, when to be adjourned by clerk.

Special courts of, how held.

SECTION 1. Any justice of the supreme court may hold special courts of common pleas, for the trial of all causes which by law are or may be cognizable by such courts, may render judgment and award execution therein, and, generally, do all other matters and things whatsoever, which are or may be done by special courts of common pleas.

Jurisdiction of, over, —

SEC. 2. Such courts shall have cognizance concurrent with the supreme court and court of common pleas, —

actions by auctioneers, &c., for moneys due on sales;

Of all actions brought before them by auctioneers and others lawfully authorized to sell at auction, for moneys due on sales of real and personal estate sold at auction, if of the value of one hundred dollars and upwards ;

by owners of estate sold at auction, for moneys due on sales;

Of all actions commenced by the owners of real and personal estate sold at auction, against the auctioneer or other person authorized to sell as aforesaid, for moneys due from them on such sales ;

actions brought against tenants holding over; against tenants who have broken terms of leases, &c., or are wrongfully holding, &c. ;

Of all actions brought against tenants, for possession of the tenements or estates let, who hold over the term for which such tenements or estates are let, whether the same be let by writing or parol ;

actions by general treasurer or town treasurer against collector of taxes, &c. ;

Of all actions brought for possession of tenements or estates let, against tenants and others who have broken the terms or conditions of the lease or agreement under which they held, or who hold or occupy tenements or estates by wrongful entry or detainer, or as tenants at will or by sufferance ;

Actions against sheriffs, their deputies, town sergeants, or constables, for neglect to make due return of execution, &c. ;

Of all actions commenced by the general treasurer, or by any town treasurer, against any collector of taxes and his sureties, for such collector's neglect of his official duty ;

actions by sheriffs against deputies for neglect of duty, &c.

Of all actions brought against any sheriff, deputy sheriff, town sergeant, or constable, for neglect to make due return of any execution, or to pay over to the creditor, or his attorney, the contents of any execution by him received, when demanded, or which shall be returned satisfied or unsatisfied without orders from the creditor or his attorney so to do, unless the body was committed, or bail taken, or property attached on the original writ ;

Special court writ, declaration, and answer, when served, returned, and filed.

Of all actions commenced by any sheriff against his deputies or their sureties, for any neglect of duty in relation to any execution for which the sheriff is answerable, or liable to be sued at a special court.

SEC. 3. A special court writ shall be served six days before the sitting of the court; the declaration shall be filed four days before the sitting of the court, and the answer or plea three days before the sitting of the court: *Provided*, the writ shall contain a notice that the answer or plea shall be filed three days prior thereto ; otherwise the answer may be filed on the day appointed in the writ for the court.

SEC. 4. If, in such case, no plea or answer be filed, and no appearance made by the defendant at the time appointed for the court for leave to file such answer or plea, the clerk shall, without the intervention of a judge, enter up judgment by default, and award execution in the same. Of judgment in, if no answer or appearance.

SEC. 5. At any time before judgment in a special court action, any justice of the supreme court may, for cause shown, allow a plea or answer to the merits to be filed out of time; in which case, and in case of plea or answer filed, he may adjourn the court to any future day. Of special leave to answer.

SEC. 6. Issues of fact, joined in such action, shall be tried to the court, unless one of the parties shall, on or before the day next preceding the sitting of the court, or at the time at which he shall have leave to answer, give notice to the clerk that he requests a trial of the same by a jury. Issues of fact in, how tried.

SEC. 7. In case of such notice, the clerk shall immediately issue a writ of *venire facias*, directed to the sheriff or his deputy, or, in case of the sheriff being a party, to some town sergeant in the county, requiring him to summon twelve jurors, being good and lawful men of the county, to try such issue; and if there shall not be a sufficient number of jurors attending, in pursuance of such writ, the court shall direct the issuing of other writs of *venire facias* to complete a jury. Venire facias, when, and by whom issued.

SEC. 8. In such case, and in case an issue in law be joined, or of an appearance of the defendant on the day of court for leave to answer the action, the clerk shall, unless some judge be present, issue a notification thereof to some justice of the supreme court, and of the day of the special court; which notification shall be served by some sworn officer or indifferent person, and returned to the court. When clerk to notify judge.

SEC. 9. Executions on judgments of special courts shall be issuable after three hours from the rendition of judgment; and shall be returnable to the office of the clerk of the court within fourteen days from their being issued. Executions, when issuable and returnable.

SEC. 10. No judgment in favor of either party, rendered in any action of trespass and ejectment, commenced in a special court of common pleas, shall be a bar to an action of trespass and ejectment relating to the same premises, or any part thereof, commenced in any court in this state, other than a special court of common pleas. Judgment in action of trespass and ejectment, no bar to such action in any other court.

SEC. 11. Upon the application of any turnpike or railroad company, or of any person whose interest may be affected by such road, or by the doings of such company, to the clerk of the court of common pleas, in the county in which the estate affected by such road lies, a special court of common pleas may be called, and may hear and determine any matter or thing whereof the court of common pleas at its regular term has jurisdiction and cognizance, relative to turnpikes or railroads, by virtue of any act of incorporation; due notice being given to the adverse party by citation, under the seal of the court and hand of the clerk, at least ten days before the time of holding the same, by the sheriff or his deputy, and by the clerk, to some justice of the supreme court, in manner above provided. Power of, in matters relating to turnpikes and railroads, and of notice to party and judge.

SEC. 12. Whenever any railroad company shall locate their road or any part thereof, they may file the report of such location with the clerk of the court of common pleas in the county in which such located railroad is situate, and may request in writing that a special court of common pleas may be called to consider and act on the same. Power of, in case of location of railroad, and how called.

Of notice of location to parties interested.

SEC. 13. Upon such request, such clerk shall give notice to all persons interested in the lands over which such located road passes, in the manner prescribed in the eleventh section of this chapter; or he shall publish notice of such location and report, and of the time of holding the special court to consider the same, for at least ten days before the day appointed for such court, in two newspapers printed in the county, or in two newspapers printed nearest to such place of location; the mode of notice to be at the option of such company; and such clerk shall also cause some justice of the supreme court to be notified of the request for such special court.

Power of, over report of location.

SEC. 14. A special court so called shall have the same power and jurisdiction over such report as the court of common pleas at a regular term would have, either by the charter of such company or by general law.

Fees of, in case of location, and how paid.

SEC. 15. The fee of the justice attending any such special court shall be four dollars per day; the fee of the clerk for his services shall be two dollars; and the fees for notifying the justice or parties shall be the same by law allowed for summoning witnesses; and the railroad company, at whose request such special court was called, shall pay all the expenses of notifying and holding the same.

When clerk may adjourn.

SEC. 16. Any special court may, in the absence of the judge, at the time appointed for the same, be adjourned by the clerk to any future time.

CHAPTER 185.

OF JUSTICE COURTS, THEIR ORGANIZATION, AND CIVIL JURISDICTION.

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1. Justice courts, where to be established.
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- 45. Civil action in, not entered, unless entry paid.

SECTION 1. A justice court shall be established in every town, unless otherwise specially provided.

SEC. 2. Such court shall be held by a trial justice, who shall be selected and elected from the qualified justices of the peace in such town, by the town council thereof, at their first meeting after the annual town meeting, or within thirty days thereafter, except the justice courts in the cities of Providence and Newport, and the towns of Woonsocket and North Providence, in which towns the trial justice shall be selected and elected from the qualified justices of the peace in said towns by the general assembly in grand committee at its May session.

SEC. 3. Every trial justice so elected, accepting such office, shall, within twenty days after his election, file a written notice of his acceptance with the secretary of state if elected by the general assembly in grand committee, or with the town clerk of the town if elected by the town council, together with proof of the engagement of such trial justice upon his commission.

SEC. 4. Such trial justice shall hold his office for three years, unless sooner removed by the election of some other person to fill his place.

SEC. 5. The town council of any town shall proceed to elect, as soon as may be, a trial justice, in place of any person elected to such office declining to accept, or resigning the same, or becoming disqualified to serve therein: *Provided, however,* that the governor shall appoint a trial justice in the cities of Providence and Newport, and the towns of Woonsocket and North Providence, in the place of a trial justice declining to accept, or resigning his office, or becoming disqualified to serve therein.

Justice court, where to be established. Trial justice of, how selected and elected.

To file notice of his acceptance.

Term of office of.

Vacancy caused by declination, resignation, or disqualification, how filled.

Name of court.	SEC. 6. The court so established shall be known as the justice court of the town or city establishing the same.
Of clerks of justice courts; of what courts elected, and mode of election.	SEC. 7. The general assembly in grand committee at its May session shall elect clerks for the justice courts of Providence, Newport, Woonsocket, and North Providence respectively, which clerks shall hold their offices for three years, unless sooner removed by the election of others to fill their places; and vacancies therein shall be filled in like manner as in the office of trial justice; and the town council of every other town may elect a clerk for the justice court of their respective town, at the time they are required to elect a trial justice for such court, which clerk shall hold his office for three years, and until his successor is appointed, or such town council shall vote to discontinue the office of clerk.
Of bond of clerk, and of trial justice, if there be no clerk.	SEC. 8. Every clerk of such court, or, if no clerk thereof shall have been elected, the trial justice thereof, shall, before entering upon the duties of his office, give bond to the general treasurer, with sufficient surety or sureties, in a sum not exceeding five thousand dollars, nor less than five hundred dollars, to be determined by the state auditor in case such clerk or justice was elected by the general assembly in grand committee, otherwise by the town council of the town in which such court shall sit, with condition faithfully to perform the duties of his office, according to law, to record seasonably the judgments and determinations of such court, and to account with the state auditor, and to pay over to the general treasurer, as often as by law required, all fines, costs, and other moneys by him received, belonging to or payable to the state.
Vacancies in offices of trial justice or clerk of, how filled.	SEC. 9. The town council of every town shall fill any vacancy occurring in the office of trial justice, or clerk of a justice court, in such town, except in the cities of Providence and Newport, and the towns of Woonsocket and North Providence, where any such vacancy shall be filled by the general assembly in grand committee.
Duties of trial justice or clerk of, by whom performed in case of absence or inability.	SEC. 10. Whenever a trial justice shall be absent or unable to serve, his duties shall be performed by the clerk of such court, if any there be, who shall constitute such court, otherwise by some person selected from the qualified justices of the peace in the town for which such court is established and elected by the town council thereof. If the clerk of any justice court shall be absent or unable to serve, his duties shall be performed by the trial justice thereof.
Of proceedings in case such absence or inability continues thirty days.	SEC. 11. If such absence or inability to serve of a trial justice or clerk shall continue for the period of thirty days, the office of such trial justice or clerk may by the town council of the town be declared vacant: <i>Provided, however,</i> that in the cities of Providence and Newport, and the towns of Woonsocket and North Providence, the power to declare such offices vacant shall reside in the governor.
Who may adjourn such court.	SEC. 12. In case of the absence or inability of the trial justice of any justice court having no clerk, or of both justice and clerk, any justice of the peace residing within the jurisdictional limits of such court may adjourn the same, and continue all business pending before it.
Form of seal of.	SEC. 13. The justice court of every town shall have a seal, which shall have engraved thereon the words "justice court of the" followed by the name of such town.
By whom kept; writs to bear impress of.	SEC. 14. Such seal shall be kept by the clerk of such court, or, if there be no clerk, by the trial justice thereof, and all writs, original, mesne, or judicial, issued by such court, shall bear the impress of such seal.

SEC. 15. Every justice court shall hear and determine all matters lawfully brought before it. Duty of court.

SEC. 16. Every justice court shall be in session for the return of civil process and the transaction of all civil business legally brought before it, at such time and place as designated by the town council of the town, or by the city council of the city, wherein such court is established, and at such other times as such justice court may determine or be adjourned to. When to sit for civil business.

SEC. 17. Whenever any trial justice shall be a party to any action or proceeding, civil or criminal, or be interested in the event thereof, such action or proceeding shall be brought before and heard by a justice court in an adjoining town. Actions, &c., where tried if trial justice a party, &c.

SEC. 18. Whenever a clerk of any justice court shall be a party to any action or proceeding, civil or criminal, or be interested in the event thereof, all writs or other processes issuing therein from such court shall be signed by the trial justice thereof. Writs, &c., how signed, if clerk a party, &c.

SEC. 19. The clerk, or, if there be no clerk, the trial justice of every justice court, shall keep a docket of all actions, complaints, or proceedings, either of a civil or a criminal nature, that may be entered or had in such court, and shall note in the same against each case the judgment therein, or the determination thereof, and in all criminal cases the fine or imprisonment to which the defendant may be sentenced. Docket, by whom and how to be kept.

SEC. 20. He shall record the judgments and proceedings of such court in a book to be kept for that purpose. Judgments to be recorded, &c.

SEC. 21. He shall tax the costs, including officer's fees, in all cases, civil and criminal, that may be entered, commenced, or pending in that court; and in criminal proceedings, in which the complainant is not required by law to give surety for costs, shall tax the costs in a separate book, to be kept for that purpose, and all taxation by the clerk shall be subject to the revision of the trial justice of such court. Of taxing costs, &c.

SEC. 22. He shall receive all fines and costs in criminal cases, and all justice fees in civil and criminal cases, and shall account with the state auditor and pay over to the general treasurer all such fines, and all such justice fees, and all such costs or other moneys belonging or by law payable to the state, as often as by law required. Of receiving and accounting: for fines, costs, and justice fees.

SEC. 23. For any wilful neglect or refusal of the clerk, or trial justice of such court performing the duties of clerk, to so account, or for any wilful neglect or refusal of any trial justice of such court to pay over all fines and costs by him received, he shall be fined fifty dollars for each offence, and also double the amount of fines by him received and so detained. Penalty for neglect or refusal to account, &c.

SEC. 24. The clerk of such court, or, if there be no clerk, the trial justice thereof, shall not be reëligible to the office of clerk, or trial justice, unless prior to his reëlection he shall have faithfully and seasonably recorded the judgments and proceedings of such court, and shall produce to the town council of the town or city council of the city in which such court shall be established, satisfactory evidence thereof; and before the said trial justice or said clerk shall be reëlected, he shall present a certificate of the town clerk of the town wherein such court is established, that the provisions of this section have been complied with. Keeping of proper records: condition of reëligibility.

SEC. 25. Every justice court in the town or city in which it is established shall take jurisdiction over all writs, complaints, warrants, citations, and all other processes, which on the first Monday of De-

Jurisdiction of justice courts over process of former

courts of magistrates, justices, &c., within their jurisdictional limits.

Duty of such courts and justices, to deliver their books, records, and papers to such justice courts.

Who to be, &c., trial justice and clerk in Providence, Woonsocket, Newport, and North Providence.

Original jurisdiction of justice courts in civil cases.

Action before, where commenced.

Blank writ signed to be issued only to attorneys, under penalty.

Title to real estate, not triable before.

Action of trespass, to which

comer, A. D. 1872, shall have been commenced, or which shall there be pending in any court of magistrates, court of justices, or before any trial justice, or justice of the peace within the jurisdictional limits of such justice court, or which shall have issued out of or shall be returnable to such court of magistrates, court of justices, or by or before such trial justice, or justice of the peace, in the same manner and to the same extent as if such writs or other processes had been issued out of, and were returnable to, such justice court.

SEC. 26. Every court of magistrates, court of justices, trial justice, or justice of the peace, shall, upon the engagement of the trial justice of the justice court established within the jurisdictional limits of such court of magistrates, court of justices, trial justice, or justice of the peace, deliver to such justice court all their books, records, and papers.

SEC. 27. The presiding justice and justice acting as clerk of the court of magistrates in the city of Providence, and the presiding justice and clerk of the court of magistrates in the town of Woonsocket, and the presiding justice and clerk of the court of justices in the city of Newport, shall respectively act as trial justices and clerks in such towns and cities respectively, until their successors shall be elected and qualified to act, and the governor shall appoint a trial justice and clerk of the town of North Providence, to hold their offices respectively until their successors are elected and qualified to act.

SEC. 28. Every justice court shall have original and exclusive jurisdiction of all civil actions, legally brought before it, wherein the debt or damages demanded do not exceed one hundred dollars, excepting only actions relating to real estate or some easement therein, in which the title to the same may be in dispute, or those over which jurisdiction has been or may be conferred on some other tribunal, with power to enter up judgment and award execution therein, and, concurrent with special courts of common pleas, shall have jurisdiction over all actions brought within its respective town against tenants for possession of tenements, or estates let, who have broken their leases, or who hold over the term for which such tenements are let.

SEC. 29. In case both parties live in the same county, the plaintiff shall commence his action either in the town in which he lives, or in which the defendant lives, or is to be found, except where otherwise specially provided. In case the parties live in different counties, the plaintiff shall commence his action in the county in which the defendant lives, or is to be found, or has property liable to attachment in such action.

SEC. 30. No trial justice, or clerk of a justice court, shall sell any blank writ, by him officially signed, to any person except an attorney at law, or shall deliver to any person other than an attorney at law any such writ, with permission, in the absence of such trial justice or clerk, to fill up such writ or to cause the same to be filled and served, under a penalty of ten dollars for each offence, and of ineligibility as a justice of the peace for the term of two years next after conviction.

SEC. 31. Whenever an action of trespass shall be brought before any justice court, and the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title to real estate in question.

SEC. 32. If the defendant in any such action shall plead the title of himself, or any person, in justification, the court, upon such plea

being filed, shall require the defendant to give bond to the adverse party in a reasonable sum, with sufficient surety or sureties, to enter the said action at the next court of common pleas to be holden within the same county, and to prosecute the same in the same manner as upon an appeal from a justice court's judgment; and if such defendant shall refuse so to give bond, the court shall render judgment against him in the same manner as if he had refused to make answer to the suit; and either party in such case shall be allowed to appeal from the judgment of the court of common pleas, in the same manner as if the suit had been originally commenced there.

title is pleaded, how to be disposed of.

SEC. 33. In all actions triable before a justice court, except an action of trespass where the defendant means to avail himself by pleading of the title of himself or any other person under whom he claims, the defendant shall be entitled to all evidence under the general issue which by law he might avail himself of under any special plea in bar whatever.

Special pleas not required before, except, &c.

SEC. 34. In all actions on book account for goods, wares, or merchandise sold, or for work or labor done, the plaintiff shall on entry of his writ, or afterwards on motion filed, annex a particular account thereof to his said writ.

Account of particulars, when required.

SEC. 35. In all such actions when the whole amount is more than one hundred dollars, and the balance stated by the plaintiff does not exceed that sum, he may bring his action for such balance, and shall declare specially thereon, and shall on the entry of the writ, or afterwards on motion, file his account of debt and credit in said action.

Of actions before, for balance of account.

SEC. 36. In such case the defendant may exhibit in court his account against the plaintiff, and the court shall settle the true balance or difference of their accounts, give judgment therein, and award execution for such balance, if by the adjustment and judgment of the court it does not exceed one hundred dollars with costs.

Of account of defendant, and judgment, balance not exceeding one hundred dollars.

SEC. 37. If in such case the account exhibited by the defendant shall exceed the sum of one hundred dollars, and in the opinion of the court there shall be due the defendant thereon a greater amount than one hundred dollars, then and in such case, unless such plaintiff shall in writing accept judgment for one hundred dollars, the court shall render judgment against the plaintiff, as in case of nonsuit, and for the defendant for his costs only; and shall not any further adjudicate upon the account of the defendant, whose right to sue for the same shall remain in the same manner as before the commencement of the action.

Of judgment if it exceed one hundred dollars.

SEC. 38. In all actions for the recovery of money due on any note or other instrument in writing, which was given originally for one hundred dollars, or a larger sum, and which by endorsement, or by acknowledgment in court, is reduced to one hundred dollars or under, including principal and interest, suit may be brought before a justice court as aforesaid, and judgment may be entered thereon, and execution awarded, in the same manner as though such note had been originally given for a less sum.

Of actions before, on notes, &c., reduced by endorsement to one hundred dollars or under.

SEC. 39. Whenever any person shall be sued in any action before any justice court, he may go with the officer who served the writ before the said court, and there confess judgment for the plaintiff's demand, first giving bail in the action, if bail be required by the terms of the writ; which confession the court shall record, tax costs as far as they have accrued, and award execution.

Of confession of judgment before, upon process served.

SEC. 40. Every justice court may accept and record the confession of any judgment within its jurisdiction, made by a debtor personally,

Of confession of judgment before, without process.

with the assent of the creditor, with or without antecedent process ; and on such terms in regard to staying execution, as the parties may agree on ; and render judgment and award execution accordingly.

Powers of wardens of certain towns.

SEC. 41. The powers and duties hereby, or by any special act, conferred and imposed on justice courts and on justices of the peace, may and shall be enjoyed and performed by wardens in those towns that are authorized by their original charters to elect wardens.

Of special jurisdiction of such courts, and over by-laws, &c., of towns.

SEC. 42. Such courts shall have any special jurisdiction which is or may be conferred by charter or law upon justices of the peace within their respective jurisdictional limits ; and may, if no special court exists or is created by charter or law for that purpose, have original jurisdiction of all suits and complaints for offences against the by-laws, ordinances, and regulations of their respective towns or cities, whether passed by the towns or cities, or under the law by the proper constituted authorities thereof.

Not to take declarations of aliens for citizenship, &c.

SEC. 43. No justice court shall record or place on file in the office of the clerk of such court the declaration of any alien of his intention to become a citizen of the United States, or take cognizance of the petition of any alien to become naturalized as such citizen.

Power of, to issue writs of habeas corpus to jailers.

SEC. 44. Every such court may issue writs of *habeas corpus* to bring before it any person in the jail of the county, for trial in any criminal case lawfully pending in such court, or to bring in any such person to be examined as a witness in a suit or proceeding, civil or criminal, pending in such court, that the ends of justice may be attained, and for no other purpose whatever.

Civil action in, not entered unless entry paid.

SEC. 45. No civil action shall be considered as entered in, or be received by such court, until the entry fee shall have been paid.

CHAPTER 186.

OF THE CRIMINAL JURISDICTION OF, AND OF CERTAIN CRIMINAL PROCEEDINGS BEFORE, JUSTICE COURTS.

SECTION

1. Power of justice courts to fine and imprison in criminal cases.
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3. Power of trial justice or clerk of, to receive complaints for threats.
4. Of recognizance for costs in such case, and issue, direction, &c., of warrant.
5. Of duty of inquiry in such case, and power of court to require recognizance with surety to keep the peace.
6. Power of to commit in case recognizance not given, and costs paid.

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8. Duty of court in case complaint in which recognizance for costs is given be dismissed ; of execution for costs against complainant and surety, and of disposition of costs when collected.
9. Power of superintendent of state charities and other officers to make complaints, &c.
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11. Duty of, to require of complainant recognizance for costs in certain cases.
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upon complaint of crime committed.

- 13. Power of trial justice or clerk to require surety for costs upon complaints for offences beyond their jurisdiction.
- 14. Surety for costs not required of certain officers, &c.
- 15. Duty of court, on complaint for assault and battery, to fine or imprison or bind over, according to degree of the offence.
- 16. Like duty of, in case of conviction of larceny.
- 17. Duty of, to tax and issue execution for costs, in case of discharge of respondent, and recognizance for costs given.
- 18. Duty of, to discharge persons suspected of crime beyond jurisdiction of justice court, if such persons not probably guilty.
- 19. Duty of, to require recognizance of such persons, or to commit them if not bailable, and probably guilty.
- 20. Duty of, to commit such person not giving recognizance required.
- 21. Power of, to adjourn trial or examination.
- 22. In case of adjournment, accused to be recognized, if bailable, or to be committed.
- 23. Duty of, if recognizance defaulted.
- 24 and 25. Power of, to order witnesses to give surety for their

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attendance above, in certain cases, or be committed.

- 26. Power of trial justice or clerk, to discharge recognizance or supersede commitment of one recognized or committed for assault and battery, or threats.
- 27. Power of, to issue warrant to apprehend person charged with crime in their county, and escaping or being in any other county.
- 28. Persons convicted before a justice court, to pay costs as part of their sentence.
- 29. Power of justice court, to require persons convicted before them, in addition to punishment prescribed, to give recognizance with surety to keep the peace.
- 30. Such recognizance, to whom to be certified, and how enforced in case of default.
- 31. Persons convicted before and fined, where to be committed if fine not paid.
- 32. Search-warrant for goods stolen, embezzled, or obtained by false tokens and pretences, how obtained, directed, and served.
- 33. Money and other things obtained by means of such warrant, how to be disposed of.
- 34. Costs of warrant, and expenses of keeping property obtained on it, to be taxed in trial, in which such property is used as evidence.

SECTION 1. Every justice court shall have exclusive jurisdiction and cognizance of all crimes, offences, and misdemeanors done or committed within the town in which it is established, punishable by fine not exceeding twenty dollars, or by imprisonment not exceeding three months; and of all other criminal matters which are or shall be declared specially to be within the jurisdiction of such court by the laws of the state, which shall be legally brought before such court; with power to proceed to trial, render judgment, pass sentence, and award a warrant for execution thereof.

Power of justice courts to fine and imprison in criminal cases.

SEC. 2. Every justice court within the town in which such court is established shall have cognizance over all other crimes, offences, and misdemeanors against the laws of this state, other than those in the section next preceding mentioned, which shall be done or committed within such town, and legally brought before such court, and shall have power to cause all persons guilty or suspected to be guilty thereof to be apprehended, examined, bailed, or committed to jail, according to law, to answer therefor before the supreme court, or

Power of, to cause to be apprehended, to examine, commit, or recognize, &c., criminals.

court of common pleas, in any county, except the county of Providence, and in that county before the court of common pleas; and the jurisdiction over crimes and offences committed on the public waters of the state, and within the jurisdiction of a justice court, may be exercised by the justice court of any town adjoining such waters.

Power of, to receive complaints for threats.

SEC. 3. Whenever complaint shall be made to any trial justice or clerk of a justice court, within a county, that any person has, within such county, threatened to commit any crime or offence against the person or property of another, such trial justice or clerk shall examine such complainant, under oath or affirmation, reduce his complaint to writing, and cause the same to be signed by him.

Of recognizance for costs in such case, and issue, direction, &c., of warrant.

SEC. 4. If the complainant shall then, before such trial justice or clerk, enter into a recognizance in such sum, not exceeding fifty dollars, and with such surety as the justice or clerk shall direct and approve, with condition to prosecute such complaint to final judgment with effect, or in default thereof to pay the costs that may accrue thereon to the state, or to the person or persons accused, such justice or clerk shall issue a warrant, returnable forthwith, annexing thereto, such complaint, or reciting the substance of the same therein, directed to the sheriff, deputy sheriff, town sergeants, city sergeants, and constables in such county, and to the like officers in the county in which the accused may be supposed to belong, reside, or be found, and requiring the officer who shall be charged with the service of the same forthwith to apprehend the accused, and have him before the justice court of the town in which such offence shall be alleged to have been committed.

Power of court to require recognizance to keep the peace.

SEC. 5. Whenever any party accused shall be brought before any such court, such court shall, as well for as against the accused, inquire into the truth of such complaint; and if it shall appear that such complaint is true, and that there is reasonable cause to fear that such threat would be carried into execution, the person accused shall be sentenced to enter into recognizance, with sufficient surety, and in such sum as the court shall direct; with condition to keep the peace towards all the people of this state, and especially towards the person against whom or against whose property the threat shall have been made, for a certain time thereafter, not exceeding eleven months, and to pay all the costs of prosecution and conviction.

Power of, to commit if recognizance not given.

SEC. 6. Upon complying with such sentence, the accused shall be discharged, but on neglecting so to do he shall be committed to the county jail in the same county, there to remain during the term for which he was sentenced to give such recognizance, and until such costs are paid, and also all the costs of his commitment and board while in jail; or until he shall enter into the recognizance required by such sentence, before some trial justice or clerk of a justice court of the same county, or justice of the peace authorized by the supreme court to take bail in such county, and pay the costs and board as aforesaid.

Recognizance, to whom to be certified.

SEC. 7. Every recognizance taken in pursuance of such a sentence shall be certified to the clerk of the court of common pleas next to be holden in the same county, and filed by the clerk of said court with the papers of his said office.

Proceedings if complaint be dismissed; of taxation of costs, and execution, &c.

SEC. 8. If the justice court before whom such warrant shall be returned, or any warrant triable before it, upon which recognizance with surety for costs may be by it required, shall not consider the complaint, after trial, to be supported by the evidence adduced, such court shall forthwith discharge the accused, and as soon as may be,

tax the costs that have accrued thereon, including therein the attendance and travel of the witnesses summoned and present, or sworn by, the complainant; and if such costs are not paid within ten days, shall issue execution for the same against the complainant and his surety, returnable in twenty days from the date thereof. Such costs when collected shall be paid to the clerk of such court if any there be, or if not, to the justice thereof, and be by him paid out to the several persons having right thereto.

SEC. 9. The superintendent of state charities and corrections, chief of police, city marshal, or overseer of the poor of any town, or such officer as the town council of any town, or the city council of any city, may appoint for the purpose, may make complaint against any person for any of the offences mentioned in section twenty-four of chapter two hundred and thirty-two.

Power of certain officers to make complaints, &c.

SEC. 10. Whenever any complaint shall be made to any trial justice, or to his clerk, within the county in which such court shall be established, of the commission of any offence within such county, he shall examine the complainant under oath or affirmation relative thereto, and reduce the same to writing, and cause the same to be signed by the complainant.

Duty of trial justice or clerk, to receive complaint, &c.

SEC. 11. If such complaint shall allege the commission of an assault or battery, or both, or of any larceny of any amount not exceeding twenty dollars, or of any offence, the punishment of which is a fine of twenty dollars or less, or which is or shall be declared within the jurisdiction of a justice court to try and determine, such justice court shall then require the complainant to enter into a like recognizance as is hereby required when complaint is made for any threat.

Duty of, to require recognizance for costs in certain cases.

SEC. 12. Upon the giving of such a recognizance in the case where a recognizance is required, and upon the making of such a complaint only, where no such recognizance is required, the trial justice or clerk of such justice court shall forthwith issue his warrant, directed and returnable in the same manner as a warrant issued on a complaint for threats.

Duty of, to issue warrant, &c.

SEC. 13. The trial justice or clerk of any justice court may, in all cases of complaint to either of them, of the commission of any crime or offence of which a justice court has not jurisdiction to try or determine, before issuing any warrant in such complaint, require of the complainant surety for costs as is required in cases of which such court has jurisdiction to try and determine.

Power of, to require surety for costs.

SEC. 14. Whenever any complaint shall be made by the chief of police of the city of Providence to the trial justice or clerk of the justice court of the city of Providence, or to the justices of the police court of said city, or by the city marshal of the city of Newport to the trial justice or clerk of the justice court of said city, or by any agent of the Rhode Island Society for the Prevention of Cruelty to Animals to any trial justice or the clerk of any justice court, or by the chief of police of the town of Woonsocket to the trial justice or clerk of the justice court of said town, or by the chief of police of the town of North Providence to the trial justice or clerk of the justice court of said town, against any person for any criminal offence within the jurisdiction of either of said courts, such chief of police or city marshal or agent shall not be required to give surety for costs, but he shall give his personal recognizance, and be liable in his individual capacity thereto.

Surety for costs not required of certain officers, &c.

SEC. 15. Whenever any such person shall be convicted before any justice court of an assault or battery, or both, such person shall be

Power of court to fine, imprison, or bind

over in certain cases.

thereupon sentenced to the payment of a fine not exceeding twenty dollars, or be imprisoned not exceeding one month; but if it shall appear to such justice court that such fine or imprisonment is an inadequate punishment, the like course shall be taken in relation to the accused as though he were complained of for an offence beyond the jurisdiction of the justice court, trying the same.

Same power of, in case of larceny.

SEC. 16. Whenever any person shall be convicted before any such justice court of larceny of any amount less than twenty dollars, he shall be sentenced to the payment of a fine not exceeding twenty dollars, or to be imprisoned not exceeding three months; but if it shall appear to such justice court that such fine or imprisonment is an inadequate punishment, the like course shall be taken in relation to the accused as though he were complained of for an offence beyond the jurisdiction of the justice court trying the same.

Duty of, to tax costs and issue execution, if respondent discharged when surety, &c., given.

SEC. 17. Whenever any complaint shall be tried before a justice court in this state, in which the complainant is required by law to recognize with such surety as the trial justice or clerk of the justice court issuing the warrant shall direct, and the respondent shall be discharged, such justice court shall forthwith tax all the costs for which the complainant is legally liable; and if such costs are not paid within ten days, execution for the same shall issue against the complainant and his surety, returnable in twenty days from the date thereof.

Persons accused of crime beyond jurisdiction of, to be discharged, when.

SEC. 18. Whenever any person shall be brought before any such justice court, charged with being guilty of any offence of which it has not jurisdiction to try and determine, and after hearing all the evidence adduced in relation thereto, it shall not appear to such justice court that the accused is probably guilty of such offence, or of any other offence substantially charged in said complaint, the accused shall be forthwith discharged.

Court to require recognizance of, or commit, &c., if adjudged probably guilty.

SEC. 19. If it shall appear that the accused is probably guilty of such offence, such justice court shall thereupon, if the offence be bailable by it, require the accused to enter into a recognizance with sufficient surety in such sum as such court shall approve and direct; with condition, that the accused will appear at the next term of the court in and for said county having jurisdiction over such offence, at which a grand jury is required to attend by law, and not depart such court without leave, and in the mean time keep the peace and be of good behavior toward all the people of this state; which recognizance such justice court shall certify to said court as soon as may be. If the said offence be not bailable by such justice court, the accused shall forthwith be committed to the jail, in the same county, there to remain until he be discharged by order of law.

Of committal if recognizance be not given.

SEC. 20. In every case in which any such justice court shall require the accused to give recognizance for his appearance before some court, and in which he shall not give such recognizance, the accused shall be forthwith committed to the jail in the same county, there to remain until he shall give such recognizance or be discharged pursuant to law.

Power of court to adjourn trial, &c.

SEC. 21. Any justice court may adjourn any trial or examination pending before it from time to time, not exceeding ten days at any one time, except with the consent or at the request of the accused, and to the same or to a different place in the same town.

Of right of accused to be bailed, &c.

SEC. 22. In case of an adjournment, if the accused be charged with any offence not bailable by such justice court, he shall, in the mean time, be committed to the jail in the same county; but if bail-

able, he may give recognizance in a sum and with a surety to the satisfaction of such court for his appearance for such further examination, and for want of such recognizance may be committed to said jail.

SEC. 23. If the person recognized as in the next preceding section mentioned shall not appear according to the condition of such recognizance, such justice court shall record the default and certify the recognizance with the record of the default, to the court of common pleas in the same county.

Duty of court, if recognizance defaulted.

SEC. 24. Whenever any person charged with treason against this state, murder, arson, rape, robbery, burglary, perjury, or subornation of perjury, shall be recognized or committed for trial at a higher court by any justice court, such court shall also bind, by recognizance, such witnesses as it shall deem material, to appear and testify at such higher court; and may also require any such witnesses to give surety to be bound with them for their appearance at such court, in case it shall deem it necessary to insure the attendance of any such witnesses.

Power of court to require surety of witnesses for their attendance above,

SEC. 25. Every witness who shall refuse to comply with the order of any justice court requiring him to give recognizance, whether with or without surety, shall be committed to the jail in the same county, there to remain until he give such recognizance, or be discharged pursuant to law.

or commit for refusal to give.

SEC. 26. Whenever any person shall be committed to jail, or shall be under recognizance to answer a charge of assault or battery, or both, or for any threat of committing an offence against the person or property of another, if the party injured or threatened shall appear before the trial justice or clerk of the justice court who issued the warrant of commitment or took the recognizance, and acknowledge in writing that he has received satisfaction of the injury, or has ceased to fear the execution of the threat, such trial justice or clerk may, in his discretion, upon payment of all costs that may have accrued, including the board of the prisoner in jail, if committed, discharge the recognizance or supersede the commitment by an order under his hand; which order shall be filed with the recognizance, or recorded in the jail book, as the case may require. Every such order shall forever bar all remedy by civil action for such injury.

Power of trial justice or clerk to discharge recognizance, &c., of one committed for assault, or threats.

SEC. 27. Whenever any trial justice or the clerk of a justice court in any county shall issue his warrant against any person charged with an offence committed within such county, and such person so charged as aforesaid shall escape into, reside, or be in any other county, such justice or clerk may direct such warrant to each and all sheriffs, deputy sheriffs, town sergeants, and constables within this state, requiring them to apprehend such person and him bring before the justice court having jurisdiction of such offence, to be dealt with according to law; and such officers shall obey and execute such warrant, and be protected from obstruction and assault therein, as in service of other process.

Of warrants to apprehend persons escaping, &c., into another county.

SEC. 28. Every person who shall be convicted of any crime or offence before any justice court shall pay all the costs of his prosecution and conviction, and the payment of the same shall be a part of the sentence; and in case he shall be imprisoned, he shall be kept in imprisonment until such costs are paid, or remitted, including also all costs of his commitment.

Costs, part of sentence of person convicted before.

SEC. 29. In addition to the punishment prescribed by law, such justice court may require such person to enter into recognizance with

Power of court to require recognizance to

keep the peace,
&c.

such sufficient surety, and in such sum as it shall direct, with condition to keep the peace towards all the people of this state for a certain time thereafter, not exceeding eleven months; and upon the refusal or neglect of such person to comply with such requirement, the same course shall be pursued as is provided on neglecting to comply with sentence in case of threats.

Recognizance,
how certified,
&c.; proceed-
ings in case of
default.

SEC. 30. Every such recognizance shall be certified to the clerk of the court of common pleas, next to be holden in the same county, and filed by the clerk of said court in the papers of his said office; and in case any person under such recognizance shall fail to perform the condition thereof, his default shall be recorded and process shall issue against the persons bound in such recognizance, or such of them as the attorney-general shall direct.

Of committal
if fine not paid.

SEC. 31. Every person who shall be convicted before any justice court of any crime or offence, and who shall be fined therefor, shall be committed to the jail in the same county, in case of non-payment of such fine.

Search-warrant
for goods
stolen, embez-
zled, or ob-
tained by false
tokens, &c.,
how obtained,
directed, and
served.

SEC. 32. Whenever complaint shall be made on oath or affirmation to any trial justice, or to the clerk of any justice court in any county authorized to issue warrants in criminal cases, that any money or other thing which is the subject of larceny has been stolen or embezzled, or obtained by false tokens or pretences, within this state or elsewhere, and that the complainant believes that the same is concealed in some house or place within the county where such complaint shall be made, and in such complaint particularly described, such trial justice or clerk, if he be satisfied that there is reasonable ground for such belief, shall, upon the complainant's giving recognizance in the sum of fifty dollars, with surety to the satisfaction of such justice or clerk, to indemnify the state against all costs if nothing be found on such warrant, issue his warrant directed to the sheriff, his deputy, or to either of the town sergeants, city sergeants, or constables in said county, commanding them in the name of the state diligently to search the house or place therein described, in the daytime, and to bring said money or thing stolen, if the same shall be found therein, and the person or persons in whose possession or custody the same shall be, before the justice court having jurisdiction of such offence, which warrant any such officer shall execute.

Money, &c.,
obtained by
means thereof,
how to be dis-
posed of.

SEC. 33. Whenever any such warrant shall be returned executed to such justice court, all the money or other things returned therewith shall be safely kept according to the direction of such justice court, for the purpose of being used as evidence on any trial, and as soon as may be afterwards shall be restored to the owner thereof.

Of taxing costs
of search-war-
rant.

SEC. 34. Whenever any such property so recovered shall be used as evidence in any criminal trial, all the costs of such search-warrant, together with the costs of keeping such property, shall be taxed in the bill of costs.

CHAPTER 187.

OF THE CLERKS OF THE SUPREME COURT AND COURT OF COMMON PLEAS.

SECTION

1. Of bond of clerks.
2. Duty of clerks.
3. Record of judgment, what to recite, and power of court to order record to be made in case of neglect, &c.
4. Of indexes to records.
5. Clerk *pro tempore*, how appointed by court, &c., and tenure of.
6. Such clerk how qualified, and compensation of.
7. Deputy clerk, how appointed, qualified, and powers of.
8. Deputy clerk, how removable, and compensated.

SECTION

9. Certificate of justice as to keeping records, &c., in order, condition of reëligibility of clerk.
10. Clerk of supreme court of Providence county authorized to appoint assistant.
11. Phonographic clerk, how may be appointed, and tenure of office.
12. Duty of, to report civil and criminal actions, &c.
13. Duty of, to report, &c., evidence taken before masters in chancery.

SECTION 1. Each of the clerks of the supreme court and of the court of common pleas shall, before entering upon the duties of his office, give bond, with sufficient sureties, to the general treasurer, to be approved by him, in the sum of three thousand dollars, faithfully to discharge the duties of his office according to law, and seasonably to record the decrees, judgments, and determinations of the court for which he is clerk.

Of bond of clerks.

SEC. 2. Such clerks shall constantly attend the sittings of their respective courts, shall keep the seal, books, and papers thereof, shall make fair entries and records of all the proceedings, judgments, orders, and decrees therein, shall furnish stationery, to be allowed by the court, for the use of the same, and shall do and perform all other things which by law, or the rules of the court, shall appertain to their office.

Duty of clerks.

SEC. 3. Such clerks shall, in the record of every judgment, recite the substance of the declaration and pleadings in the case; and whenever, by accident, neglect, or otherwise, any clerk may have failed to record the proceedings of the court of which he is clerk, in any cause pending before it, such court may direct the acting clerk to record such proceedings, upon such evidence as may be satisfactory to them, giving notice to the parties interested or their attorneys, whenever from the circumstances of the case they may deem it proper.

Record of judgment, what to recite; power of court to order record made in case of neglect, &c.

SEC. 4. Such clerk shall make or cause to be made, to every book of records of judgments in their office, not completed, two indexes; one, an alphabetical index of the names of plaintiffs, complainants, or petitioners, giving also the names of the defendants or respondents in each case; and another alphabetical index of the names of defendants or respondents, giving also the names of the plaintiffs, petitioners, or complainants in each case.

Of indexes to records.

SEC. 5. In case of the death, absence, or inability of either of said clerks, or in case the clerk appointed declines serving, if a clerk of the supreme court, the chief justice, or in case of his death, absence, or inability, either of the associate justices of said court, and if a clerk of

Clerk *pro tempore*, how appointed by court, &c., and tenure of.

courts of magistrates, justices, &c., within their jurisdictional limits.

Duty of such courts and justices, to deliver their books, records, and papers to such justice courts.

Who to be, &c., trial justice and clerk in Providence, Woonsocket, Newport, and North Providence.

Original jurisdiction of justice courts in civil cases.

Action before, where commenced.

Blank writ signed to be issued only to attorneys, under penalty.

Title to real estate, not triable before.

Action of trespass, to which

chapter, A. D. 1872, shall have been commenced, or which shall there be pending in any court of magistrates, court of justices, or before any trial justice, or justice of the peace within the jurisdictional limits of such justice court, or which shall have issued out of or shall be returnable to such court of magistrates, court of justices, or by or before such trial justice, or justice of the peace, in the same manner and to the same extent as if such writs or other processes had been issued out of, and were returnable to, such justice court.

SEC. 26. Every court of magistrates, court of justices, trial justice, or justice of the peace, shall, upon the engagement of the trial justice of the justice court established within the jurisdictional limits of such court of magistrates, court of justices, trial justice, or justice of the peace, deliver to such justice court all their books, records, and papers.

SEC. 27. The presiding justice and justice acting as clerk of the court of magistrates in the city of Providence, and the presiding justice and clerk of the court of magistrates in the town of Woonsocket, and the presiding justice and clerk of the court of justices in the city of Newport, shall respectively act as trial justices and clerks in such towns and cities respectively, until their successors shall be elected and qualified to act, and the governor shall appoint a trial justice and clerk of the town of North Providence, to hold their offices respectively until their successors are elected and qualified to act.

SEC. 28. Every justice court shall have original and exclusive jurisdiction of all civil actions, legally brought before it, wherein the debt or damages demanded do not exceed one hundred dollars, excepting only actions relating to real estate or some easement therein, in which the title to the same may be in dispute, or those over which jurisdiction has been or may be conferred on some other tribunal, with power to enter up judgment and award execution therein, and, concurrent with special courts of common pleas, shall have jurisdiction over all actions brought within its respective town against tenants for possession of tenements, or estates let, who have broken their leases, or who hold over the term for which such tenements are let.

SEC. 29. In case both parties live in the same county, the plaintiff shall commence his action either in the town in which he lives, or in which the defendant lives, or is to be found, except where otherwise specially provided. In case the parties live in different counties, the plaintiff shall commence his action in the county in which the defendant lives, or is to be found, or has property liable to attachment in such action.

SEC. 30. No trial justice, or clerk of a justice court, shall sell any blank writ, by him officially signed, to any person except an attorney at law, or shall deliver to any person other than an attorney at law any such writ, with permission, in the absence of such trial justice or clerk, to fill up such writ or to cause the same to be filled and served, under a penalty of ten dollars for each offence, and of ineligibility as a justice of the peace for the term of two years next after conviction.

SEC. 31. Whenever an action of trespass shall be brought before any justice court, and the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title to real estate in question.

SEC. 32. If the defendant in any such action shall plead the title of himself, or any person, in justification, the court, upon such plea

being filed, shall require the defendant to give bond to the adverse party in a reasonable sum, with sufficient surety or sureties, to enter the said action at the next court of common pleas to be holden within the same county, and to prosecute the same in the same manner as upon an appeal from a justice court's judgment; and if such defendant shall refuse so to give bond, the court shall render judgment against him in the same manner as if he had refused to make answer to the suit; and either party in such case shall be allowed to appeal from the judgment of the court of common pleas, in the same manner as if the suit had been originally commenced there.

title is pleaded, how to be disposed of.

SEC. 33. In all actions triable before a justice court, except an action of trespass where the defendant means to avail himself by pleading of the title of himself or any other person under whom he claims, the defendant shall be entitled to all evidence under the general issue which by law he might avail himself of under any special plea in bar whatever.

Special pleas not required before, except, &c.

SEC. 34. In all actions on book account for goods, wares, or merchandise sold, or for work or labor done, the plaintiff shall on entry of his writ, or afterwards on motion filed, annex a particular account thereof to his said writ.

Account of particulars, when required.

SEC. 35. In all such actions when the whole amount is more than one hundred dollars, and the balance stated by the plaintiff does not exceed that sum, he may bring his action for such balance, and shall declare specially thereon, and shall on the entry of the writ, or afterwards on motion, file his account of debt and credit in said action.

Of actions before, for balance of account.

SEC. 36. In such case the defendant may exhibit in court his account against the plaintiff, and the court shall settle the true balance or difference of their accounts, give judgment therein, and award execution for such balance, if by the adjustment and judgment of the court it does not exceed one hundred dollars with costs.

Of account of defendant, and judgment, balance not exceeding one hundred dollars.

SEC. 37. If in such case the account exhibited by the defendant shall exceed the sum of one hundred dollars, and in the opinion of the court there shall be due the defendant thereon a greater amount than one hundred dollars, then and in such case, unless such plaintiff shall in writing accept judgment for one hundred dollars, the court shall render judgment against the plaintiff, as in case of nonsuit, and for the defendant for his costs only; and shall not any further adjudicate upon the account of the defendant, whose right to sue for the same shall remain in the same manner as before the commencement of the action.

Of judgment if it exceed one hundred dollars.

SEC. 38. In all actions for the recovery of money due on any note or other instrument in writing, which was given originally for one hundred dollars, or a larger sum, and which by endorsement, or by acknowledgment in court, is reduced to one hundred dollars or under, including principal and interest, suit may be brought before a justice court as aforesaid, and judgment may be entered thereon, and execution awarded, in the same manner as though such note had been originally given for a less sum.

Of actions before, on notes, &c., reduced by endorsement to one hundred dollars or under.

SEC. 39. Whenever any person shall be sued in any action before any justice court, he may go with the officer who served the writ before the said court, and there confess judgment for the plaintiff's demand, first giving bail in the action, if bail be required by the terms of the writ; which confession the court shall record, tax costs as far as they have accrued, and award execution.

Of confession of judgment before, upon process served.

SEC. 40. Every justice court may accept and record the confession of any judgment within its jurisdiction, made by a debtor personally,

Of confession of judgment before, without process.

SECTION

- 22. Notification to, how served and form of.
- 23. How returned, and fees for service of.
- 24. Penalty upon officer for neglect to serve and return notification.
- 25. Power of courts to take up jurors on *venire*.
- 26. Of disqualification of juror who has served within two years.
- 27. Penalty upon juror not attending or afterwards absenting himself.
- 28. Jury fines, how levied and collected.

SECTION

- 29. Drawn juror's privilege from arrest and attachment.
- 30. *Venire* juror's privilege.
- 31. Service, against privilege of, void.
- 32. Interest of juror's town in forfeiture, no cause of challenge in criminal case or penal action.
- 33. How cause of challenge to, waived.
- 34. Of peremptory challenges to jurors.
- 35. Challenges to, how to be disposed of.
- 36. Grand juror's and petit juror's oaths.
- 37. Foreman of grand jury may administer oaths.

Who liable to serve as jurors.

SECTION 1. All persons who are qualified to vote upon any proposition to impose a tax, or for the expenditure of money in any town, shall be liable to serve as jurors, except as is hereinafter provided.

Persons and classes exempt from jury duty.

SEC. 2. The following persons shall be exempted from serving as jurors, viz.: the governor, lieutenant-governor, secretary of state, attorney-general, general treasurer, state auditor, justices of the state and United States courts, trial justices, clerks of courts, sheriffs, deputy sheriffs, town sergeants and constables, the marshal of the district and his deputies, ministers of the gospel, practising attorneys, physicians and surgeons, overseers in manufacturing establishments, the president, professors, tutors, librarian, registrar, and students of Brown University, cashiers of banks, schoolmasters, town clerks, *r venue* officers of the United States, one ferryman to each ferry who usually navigates the boat, postmasters, post-riders, telegraphic operators, one miller to each grist mill who usually tends the same, the keepers of asylums for the poor in the several towns, all persons over sixty-five years of age, all engineers or firewards of the fire departments, and all engineers having charge of steam-engines in the several towns and cities, all active members of fire-engine, hydraulion, hose, and fire hook and ladder companies, who shall have been elected members thereof by towns or cities, and all members of private incorporated companies for similar purposes, who shall be exempted from jury duty by their charters, so long as such persons continue members of such companies.

Duty of clerks of incorporated engine, &c., companies.

SEC. 3. The clerk of every incorporated fire-engine, hook and ladder, stationary engine, and hydraulion company shall, within ten days after the annual election of the officers thereof in every year, make return to the town clerk of the town in which any member of such company may reside, of the names of all the members of such company.

Duty of such clerks as to members elected by villages, &c.

SEC. 4. The clerk of every company incorporated for such purpose, any portion of the members of which being elected by any village, district, or town, are or may be exempted from serving as jurors, shall annually, and within ten days after his election, return to the town clerk of the town in which any member of such company may reside, a list of the names of such members as are or shall be so exempted and resident in such town.

Penalty upon, for neglect of duty.

SEC. 5. Any clerk of a company such as is described in either of the two sections next preceding, who shall neglect or refuse to make such return within the time limited therein, shall forfeit twenty dol-

lars, to be recovered one half to the use of the person who shall sue for the same, and the other half to the use of the town to whose clerk such return should have been made.

SEC. 6. There shall be drawn in the county of Newport, for the supreme court and for the court of common pleas in said county, fifteen grand jurors and twenty-seven petit jurors, that is to say: Newport, six grand and nine petit jurors; Portsmouth, two grand and five petit jurors; Jamestown, one grand and one petit juror; Middletown, two grand and four petit jurors; Little Compton, two grand and five petit jurors; Tiverton, two grand and three petit jurors.

Jurors for Newport county, how many, and from each town.

SEC. 7. There shall be drawn in the county of Providence fifteen grand and seventy petit jurors, that is to say: Providence, one grand and thirteen petit jurors; Smithfield, one grand and two petit jurors; Scituate, one grand and five petit jurors; Glocester, one grand and three petit jurors; Cumberland, one grand and three petit jurors; Cranston, one grand and four petit jurors; Johnston, one grand and four petit jurors; North Providence, one grand and eight petit jurors; Foster, one grand and four petit jurors; Burrillville, one grand and four petit jurors; Pawtucket, one grand and three petit jurors; East Providence, one grand and three petit jurors; Woonsocket, one grand and six petit jurors; Lincoln, one grand and five petit jurors, and North Smithfield, one grand and three petit jurors for each of said courts.

Jurors for Providence county.

SEC. 8. The seventy petit jurors so drawn for the county of Providence shall be divided into two classes by the town councils drawing the same, and the several towns shall draw for each of such classes the following number of jurors: Providence, six for the first and seven for the second; Scituate, three for the first and two for the second; Glocester, Cumberland, and North Smithfield each, two for the first and one for the second; North Providence, four for the first and four for the second; Pawtucket and East Providence each, one for the first and two for the second; Lincoln, two for the first and three for the second; Cranston, Johnston, Foster, and Burrillville shall each draw two for each class; Smithfield shall draw one for each class.

Petit jurors for Providence county, how to be classed.

SEC. 9. The first class of petit jurors drawn to attend at the terms of the supreme court within and for the county of Providence shall be notified to attend and shall attend said court, at ten o'clock in the forenoon of the third Monday of each term of said court; and the second class of petit jurors shall be notified to attend and shall attend said court, at ten o'clock in the forenoon on the fifth Monday of each term of said court.

Classes of, when to attend the supreme court.

SEC. 10. The first class of petit jurors drawn as aforesaid to attend at the terms of the court of common pleas within and for the county of Providence shall be notified to attend and shall attend said court, at ten o'clock in the forenoon of the second day of each term of said court; and the second class shall be notified to attend and shall attend said court, at ten o'clock in the forenoon on the third Monday of each term of said court.

Classes of, when to attend the court of common pleas.

SEC. 11. There shall be drawn in the county of Washington fifteen grand and sixteen petit jurors, that is to say: Westerly, three grand and three petit jurors; North Kingstown, two grand and three petit jurors; South Kingstown, four grand and four petit jurors; Charlestown, one grand and one petit juror; Exeter, one grand and two petit jurors; Richmond, two grand and one petit juror; Hopkinton, two grand and two petit jurors for each of said courts.

Jurors for Washington county, how many and from each town.

Jurors for Bristol county.

SEC. 12. There shall be drawn in the county of Bristol fifteen grand and thirteen petit jurors, that is to say: Bristol, seven grand and six petit jurors; Warren, four grand and four petit jurors; and Barrington, four grand and three petit jurors for each of said courts.

Jurors for Kent county.

SEC. 13. There shall be drawn in the county of Kent fifteen grand and fifteen petit jurors, that is to say: East Greenwich, four grand and three petit jurors; Warwick, four grand and five petit jurors; West Greenwich, three grand and two petit jurors; and Coventry, four grand and five petit jurors for each of said courts.

Town councils, when to make lists of jurors, &c.

SEC. 14. The town council of each town shall, in the month of April in every year, make a list of such persons inhabiting the town, not exempted as aforesaid, as they shall think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all exception.

Names of persons liable to jury duty, how to be written, where placed, and when and how to be drawn, &c.

SEC. 15. The names of each of these persons shall be written on a separate piece of paper and placed in a box provided for that purpose by each town, which box shall be delivered to the town clerk, to be by him kept locked; and the town council of each town shall, at a meeting thereof, not more than six weeks previous to each term of the supreme court and court of common pleas in the county, draw from said box the names of so many persons as such town shall be required to send for grand and petit jurors to such court.

Name of person sick, exempt, &c., to be returned if drawn.

SEC. 16. Whenever the name of any person who is sick, out of the state, or exempted from serving as a juror, shall be drawn out, it shall be returned again into the same box and another drawn in his stead.

To be returned if person drawn be excused.

SEC. 17. In case any drawn juror shall be excused by the court for which he is drawn, on the first or second day of the term, or on the day of the term on which his attendance is required, the clerk of such court shall, as soon as may be, give notice thereof to the town clerk of the town from which he came, and his name shall be returned into the same box.

Names of persons drawn, where to be placed.

SEC. 18. The names of all persons drawn as jurors, except as aforesaid, shall be put into another box provided for that purpose by each town, and kept locked by the town clerk, until the names in the first box shall be all drawn out, when the whole shall be returned into the first box.

Order of drawing jurors.

SEC. 19. When jurors for the supreme court and for the court of common pleas are to be drawn at the same session of the council, those for the supreme court shall be first drawn, and grand jurors shall be drawn before petit jurors.

Penalty upon town council for neglect of duty in drawing, &c., jurors.

SEC. 20. If any town council shall neglect to make a list of persons in their town liable to do duty as jurors, or to draw jurors, or to issue a notification to persons drawn as jurors, as herein required, or shall draw as a juror any person exempted from serving as a juror, each member of such council so neglecting, or wilfully drawing such exempted person, shall be fined twenty dollars.

Of notification to persons drawn.

SEC. 21. Immediately upon drawing jurors for any court, the town council of each town shall issue a notification to the town sergeant or to any constable of the town, under the seal of the council and hand of the clerk, designating therein who are grand and who are petit jurors, and the time and place at which such jurors are required to attend.

Notification to, how served.

SEC. 22. Such town sergeant or constable shall make service of the notification upon the persons named therein as jurors, six days

at least before the time at which they are required to appear, by delivering to each of said persons, or by leaving at their last and usual place of abode, a notice substantially in the following form : —

State of Rhode Island and Providence Plantations.

sc.

To *greeting :*

You are hereby notified that you have been drawn as a juror by the town council of _____, and you are required to attend the _____ court to be holden in _____, within and for the county of _____, on the _____ day of _____, at _____ o'clock in the forenoon.

Sergeant.

SEC. 23. Such notification when served shall be returned by the officer serving the same, to the clerk of the court for which said jurors were drawn, three days before the opening of the said court. Such sergeant or constable shall be paid fifty cents out of the town treasury for warning each person.

How returned, and fees for service of.

SEC. 24. Every officer charged with a notification to any persons drawn as jurors, who shall neglect to serve and return the same as herein required, shall for each offence be fined twenty dollars.

Penalty upon officer for neglect to serve, &c.

SEC. 25. The supreme court and the court of common pleas, in term time, may issue writs of *venire* for additional jurors, whenever it shall be found necessary for the convenient dispatch of their business ; such writs to be served and returned, and the jurors required to appear at such times, as shall be prescribed in such writs.

Power of courts to take up jurors on *venire*.

SEC. 26. No person summoned on a writ of *venire* shall be qualified to serve as a juror, who has served as such within two years next preceding the time when he shall be so summoned ; and the court shall, upon calling the person so summoned, inquire of him if he has so served.

Of disqualification of jurors who have served within two years.

SEC. 27. Every person duly notified to attend any court, including the municipal court of the city of Providence, as a juror, or returned as a juror on any *venire*, as aforesaid, who shall not attend as required at the court, or give satisfactory excuse to such court for not attending, or shall afterwards absent himself therefrom without leave of the court, shall be fined at least twenty dollars.

Penalty upon juror not attending or absentsing himself.

SEC. 28. All fines incurred by jurors and persons returned or notified as jurors, under this chapter, shall be levied and collected by warrant of distress from the court, directed to the sheriff or his deputy, of the county in which such person dwells, or his estate is to be found ; or if from the municipal court of the city of Providence, such warrant shall be directed to the city sergeant, or any police constable of said city, and the fine collected therein shall be paid into the city treasury of said city.

Jury fines, how levied and collected.

SEC. 29. The person and estate of every drawn juror attending any court in this state shall be free and exempt from all process in any civil action during the sitting of the court for which he may be drawn, if he be not before dismissed, and for three days next before the time he was required to appear, and for the three days next after he is discharged.

Drawn juror's privilege from arrest and attachment.

SEC. 30. Jurors taken up on *venire* and attending court shall enjoy the same exemptions, from the time they shall be required to appear, until the expiration of three days after they shall be discharged.

Venire juror's privilege.

Service against
privilege of,
void.

Interest of
juror's town in
forfeiture, no
disqualifica-
tion.

Cause of chal-
lenge, how
waived.

Of peremptory
challenges to
jurors.

Challenges,
how disposed
of.

Oath of

grand juror.

Oath of petit
juror in crim-
inal cases.

Oath of petit
juror in civil
cases.

Foreman of
grand jury may
administer
oaths.

SEC. 31. The service of all process contrary to the two sections next preceding shall be absolutely void.

SEC. 32. In complaints, indictments, and penal actions, for the recovery of any sum of money or other thing forfeited, it shall not be cause of challenge to a juror that he resides or is liable to pay taxes in any town which may be benefited thereby.

SEC. 33. If a party know of any objection to a juror before the jury are empanelled in his cause, and omit to suggest it to the court, he shall not afterwards make the same objection, unless by express leave of the court.

SEC. 34. Either party in a civil action, or in any criminal proceeding, may, at or before the time when the jury is empanelled for the trial of the cause, challenge, in writing, addressed to the clerk of the court, any qualified jurors not exceeding one in six, without alleging or showing any cause therefor; and after such objection, the challenged jurors shall not be called for the trial of such cause; but other jurors shall be called from the remaining panel to take the place of the challenged jurors for the trial of the cause.

SEC. 35. Written objections or challenges, filed under the provisions of the next preceding section, shall be kept in such place, and disposed of in such manner as the court may direct.

SEC. 36. Each grand and petit juror, before acting as such, shall take the oath prescribed for him, in the following forms:—

Grand Juror's Oath.

"You severally and solemnly swear (or affirm) that, as members of the grand inquest for the body of the county of _____ you will diligently inquire and true presentment make of all such crimes and misdemeanors cognizable by this court as shall come to your knowledge; the state's counsel, your fellows', and your own will keep secret; will present no person for envy, hatred, or malice; neither will you leave any person unpresented for love, fear, favor, affection, or hope of reward; but you will present things truly, as they come to your knowledge, according to the best of your understanding; so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.)"

Petit Juror's Oath in Criminal Cases.

"You swear (or affirm) that you will well and truly try, and true deliverance make, between the state of Rhode Island and Providence Plantations and the prisoner (or defendant) at the bar, according to law and the evidence given you; so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.)"

Petit Juror's Oath in Civil Cases.

"You swear (or affirm) that in all cases between party and party, that shall be committed to you, you will give a true verdict therein, according to law and the evidence given you; so help you God; (or, this affirmation you make and give upon the peril of the penalty of perjury.)"

SEC. 37. The foreman of any grand jury which may be empanelled shall have full power and authority to administer all necessary oaths and affirmations to witnesses who may be examined before the grand jury of which he is foreman.

CHAPTER 190.

OF SHERIFFS, DEPUTY SHERIFFS, AND JAILERS.

SECTION

1. Who not eligible as sheriffs.
2. Oath and bond of sheriff.
3. Deputy sheriffs, by whom, and how many to be appointed.
4. Of appointment of jailers.
5. Appointment of deputies and jailers, how made and recorded.
6. Bond of deputy sheriffs and jailers.
7. Of special deputies.
8. Responsibility of sheriff for his deputies and jailer.
9. Deputation, how to be revoked.
10. Of remedy on sheriff's bond for his default, &c., or that of his deputy or jailer.
11. Of remedy on bond of deputy or jailer for his neglect, &c.
12. Copies of such bonds, how to be procured, and force of as evidence, and of subpoena for original.
13. Of declaration on such bonds.
14. Of judgment on such bonds.
15. Defendant's execution for costs in, against whom to issue.
16. Sheriff's duty to attend general assembly and courts.
17. Sheriff's duty to furnish members of general assembly with copies of laws, &c., to deliver commissions, &c., and fees for latter service.
18. Sheriff's duty to return unclaimed commissions.
19. Duty of sheriff of Providence, to attend Commencement at Brown University.

SECTION

20. Duty of sheriff as to service of writs and precepts.
21. Of service of process within waters of Narragansett Bay, and waters within one marine league from the shore.
22. Power of sheriffs, deputies, and jailers to command aid, and penalty for neglect to render it.
23. Liability of sheriff, &c., for neglect to serve process.
24. Effect of death of sheriff, on office of his deputy and jailer, and upon his liability for them on his bond.
25. Remedy over of executors and administrators of such sheriff, on bond of deputy and jailer.
26. Sheriff resigning or removing, how long to have power as sheriff, &c.
27. Jail books of criminals committed, how to be kept.
28. Jailer to deliver books, papers, &c., to sheriff under penalty, when.
29. Sheriff to deliver books, papers, &c., to successor, under penalty.
30. Of inquest on body of person dying in jail, and of burial and expense of burial of same.
31. Of report of jailers, as to prisoners at suit of state, to supreme court.
32. Deputy sheriff or jailer, how removable for misdemeanor in office.

SECTION 1. No person shall be eligible to the office of sheriff who shall, at the time of his election, be a member of the general assembly, or who shall not at such time be an inhabitant of the county for which he shall be elected.

Who not eligible as sheriffs.

SEC. 2. Every person elected sheriff shall, previous to his entering on the duties of his office, give bond with two sufficient sureties to the general treasurer, in the sum of fifteen thousand dollars, for the due and faithful execution of his office according to law.

Oath and bond of sheriff.

SEC. 3. Every sheriff may appoint as many deputies, being inhabitants of the county and not being members of the general assembly, as he may deem necessary for his assistance in the due performance of the duties of his office.

Of appointment of deputy sheriffs.

SEC. 4. Every sheriff, excepting the sheriff of the county of

Of appointment of jailers.

Providence, may appoint a jailer or keeper of the prison in his county.

Appointment of deputies and jailers, how made and recorded.

SEC. 5. The appointment of every deputy and of every jailer shall be in writing, under the hand and seal of the sheriff, and shall be recorded in a book to be kept for that purpose in the office of the clerk of the court of common pleas in the county for which he is appointed, or lodged to be so recorded, previous to his entering on the duties of his office.

Bond of deputies and jailers.

SEC. 6. Every deputy and every jailer shall give bond with sufficient sureties to the sheriff appointing him, in a sum not less than three thousand dollars, nor more than twelve thousand dollars, for the faithful execution of his office according to law.

Of special deputies.

SEC. 7. Every sheriff may appoint a special deputy for the service of any writ or process to him directed: *Provided*, the same be done upon the back of such writ or process, and such deputy be sworn before some person commissioned to administer oaths, duly and faithfully to execute such writ and process, and the same be certified by such judge, justice, or notary, under such deputation.

Responsibility of sheriff for his deputies and jailer.

SEC. 8. Every sheriff shall be responsible and accountable for any neglect or misfeasance in office of his deputies or jailer; and in all cases where any person shall be entitled to an action for any neglect or misfeasance in office of any deputy sheriff or jailer, he shall have his election to bring the same either against the sheriff appointing him, or against such deputy or jailer.

Deputation, how to be revoked.

SEC. 9. Every sheriff shall have power to revoke any deputation by him given, provided such revocation be entered in the book for recording deputations and appointments as aforesaid.

Of remedy on sheriff's bond for default, &c., of sheriff, deputy, or jailer.

SEC. 10. Any person injured by the breach of any sheriff's bond may, after recovering judgment against the sheriff, his executors, or administrators, in an action brought for the default, misfeasance, or nonfeasance of such sheriff or his deputy or jailer, cause a suit to be instituted upon such bond, at his own cost, in the name of the general treasurer, to his own use.

Of remedy on bond of deputy or jailer, for his neglect, &c.

SEC. 11. Any person injured by the breach of any deputy sheriff's or jailer's bond may, if he so elect, after recovering judgment against such deputy sheriff or jailer, his executors or administrators, for the default, misfeasance, or nonfeasance of such deputy sheriff or jailer, cause a suit to be instituted upon the bond of such deputy or jailer at his own cost, in the name of the sheriff, to his own use.

Copies of such bonds, how to be procured, and force of, as evidence, &c.

SEC. 12. The general treasurer shall deliver an attested copy of any sheriff's bond, and every sheriff, a copy of any deputy sheriff's or jailer's bond filed in his office, to any person applying and paying for the same; and such copy shall be received as evidence in any case; but if the execution of the bond shall be disputed, the court may order the original to be brought into court by a proper subpoena for that purpose, to be served upon the general treasurer or sheriff.

Of declaration on such bonds.

SEC. 13. In every suit upon such bonds, the declaration shall set forth the condition of the bond, and assign the breach or breaches relied upon in the action, and judgment in such suit shall not be a bar to any other action on such bond assigning other breaches.

Of judgment thereon.

SEC. 14. In such suit, if the plaintiff shall recover, judgment shall be rendered in favor of the general treasurer or sheriff, as the case may be, for the use of the person alleged in the writ and declaration to be injured by the breach or breaches assigned; and such person shall be deemed and taken, for all purposes whatsoever, to be the plaintiff in the suit.

SEC. 15. If the defendant shall recover judgment for costs, execution shall issue therefor against the person for whose use the suit is brought, and not against the general treasurer or sheriff, and the surety for costs of such person, if any there be, shall be liable for such costs as such sureties are in other cases.

Defendant's execution for costs in, against whom to issue.

SEC. 16. The sheriffs shall attend the general assembly, and also the supreme court and the court of common pleas, when holden in their respective counties.

Sheriff to attend general assembly and courts.

SEC. 17. The sheriffs shall furnish the general assembly, when sitting in their respective counties, with copies of the laws and other proceedings of the general assembly, which shall, from time to time, be transmitted to them as by law provided; and shall deliver commissions, proclamations, acts and resolves, and all public acts, to the persons to whom directed in their respective counties; and they shall be allowed for delivering said commissions, proclamations, acts and resolves, the sums herein specified, annually, to wit: the sheriff of Newport, twelve dollars; the sheriff of Providence, seventy-five dollars; the sheriff of Washington, fifteen dollars; the sheriff of Bristol, six dollars; the sheriff of Kent, ten dollars.

To furnish general assembly with copies of laws, &c.; to deliver commissions, &c.; fees for.

SEC. 18. The sheriffs of the several counties shall, annually, on or before the first Monday of January, return to the office of the secretary of the state all civil commissions remaining on hand unclaimed, during the then political year; and in default thereof shall be fined one hundred dollars.

To return unclaimed commissions.

SEC. 19. The sheriff of the county of Providence, with as many of his deputies as he may deem necessary, shall attend the celebration of the annual Commencement of Brown University, and shall preserve peace and good order and decorum during the same.

Sheriff of Providence to attend commencements, &c.

SEC. 20. The sheriff of every county, by himself or his deputy, shall serve and execute within his county, or wherever he may be authorized by law, all writs and precepts to him directed, issuing from lawful authority.

Sheriff to serve writs and precepts, &c.

SEC. 21. Any sheriff or other officer duly authorized may serve any writ or other process, whether of a civil or criminal nature, within any part of the waters of Narragansett Bay, and within any waters extending one marine league from the sea-shore of the state at high water mark.

Of service of process on Narragansett Bay, &c.

SEC. 22. Every sheriff, deputy sheriff, or jailer, in the due execution of his office, may command all necessary aid and assistance in the execution of his said office; and if any person, when so required, shall refuse or neglect to give such aid and assistance, he shall be fined not exceeding twenty dollars.

Power of sheriffs, deputies, and jailers, to command aid; penalty for refusing.

SEC. 23. If any sheriff, or deputy sheriff, shall neglect or refuse to serve any process issuing from lawful authority, directed to him to serve and execute, having, in all civil causes, paid or tendered unto him his legal fees, if he demand the same, for serving and executing such process, every such sheriff, or deputy sheriff, shall be liable to the party aggrieved, for such damages as he may have sustained by such neglect or refusal.

Liability of sheriff, for neglect, &c., to serve process.

SEC. 24. In case of the death of any sheriff, his deputy or deputies and jailer shall continue in office, unless removed as herein provided, and shall execute the same in the name of the deceased, until another sheriff shall be appointed and sworn, and have given bond as before prescribed; and the neglect or misfeasance of such deputies and jailer in the mean time, as well as before, shall be a breach of the condition of the bond given as before directed by the sheriff who appointed them.

Effect of death of an office of deputies and jailer, and on his liability for them.

Remedy over, of his executors, &c., on bond of deputy and jailer.

SEC. 25. The executors or administrators of such deceased sheriff shall have the like remedy for the defaults and misfeasances in office of such deputy or deputies and jailer, during such interval, as the deceased sheriff would have been entitled to if he had continued in life and in the exercise of his office until his successor was appointed and duly qualified.

Sheriff resigning, &c., how long to officiate, &c.

SEC. 26. Every sheriff whose office shall become vacant by resignation or removal into any other county may, notwithstanding, officiate as such until his successor shall be duly qualified to act; and his deputies and jailer may also exercise their respective offices during such period.

Jail books of criminals committed, how kept.

SEC. 27. The several keepers of jails shall keep a book, in which shall be entered the names of all criminals committed under the laws or authority of the state, and of the United States, the times of their commitment, the times when they were discharged, and the manner in which they were discharged, as well as the circumstances attending their discharge.

Jailer to deliver books, papers, &c., to sheriff, under penalty, when.

SEC. 28. Every keeper of any jail, except the jail in the county of Providence, shall, on ceasing to hold said office, deliver to the sheriff of the county in which he shall be such keeper all books, notes, obligations, and other papers in his possession, pertaining to said office of jailer; and unlawfully refusing to deliver the same to the sheriff on his demand therefor, he shall be fined not less than fifty dollars, nor more than five hundred dollars.

Sheriff to deliver books, papers, &c., to successor, under penalty.

SEC. 29. All books, notes, bonds, obligations, and other papers, which sheriffs shall receive pursuant to this chapter, shall by them be delivered over to their respective successors in office, as papers and documents pertaining thereto; and every sheriff unlawfully refusing to deliver the same on demand shall be fined not less than fifty dollars, nor more than five hundred dollars.

Of inquest on body of person dying in jail, and of burial of same.

SEC. 30. Whenever any person shall die in any jail, the jailer shall, after an inquest has been held on the body of such deceased person, deliver such body to his relations or friends, if they request it; and if no application be made for such body, such jailer shall bury the same in the common burying-ground; and the expenses thereof shall be paid out of the estate of the deceased, if any there be; and if none, then by the town in which such deceased person had a legal settlement, if within the state; otherwise the expenses aforesaid shall be paid out of the general treasury.

Of report of jailers, as to prisoners at suit of state, to supreme court.

SEC. 31. The keepers of the jails in the several counties shall, on or before the second day of each term of the supreme court in their respective counties, report to said court in writing the name of every person in custody at the suit of the state; the cause for which he was committed, the time of commitment, and by what court or magistrate, and, as far as he can ascertain, the time and place of birth, and previous residence of each prisoner, whether married or not, whether he has children or not, and where his family reside.

Deputy sheriff or jailer, how removable.

SEC. 32. Any deputy sheriff or jailer may be removed for misdemeanor in office, by the supreme court, or court of common pleas, sitting in the county to which such officer belongs, upon complaint made.

CHAPTER 191.

OF THE KEEPER OF THE JAIL IN THE COUNTY OF PROVIDENCE.

SECTION

- 1. Warden of state's prison, *ex officio* keeper of jail in Providence.
- 2. His bond as keeper.
- 3. His compensation.
- 4. Under-keepers and assistants of, how appointed and compensated.
- 5. Deputy keeper, from whom selected, his powers, and keeper's liability for, and bond from.
- 6. Duty and liability of keeper as to persons committed to his jail.
- 7. Duty of, as to persons temporarily committed to his care, for transfer to another county, and proceedings in case of.
- 8. Form of process, &c., in county of Providence, to be varied to meet provisions as to said jail.

SECTION

- 9. Fees of keeper and board of prisoners in, to be credited to state.
- 10. Of judgment and execution on keeper's bond.
- 11. Action upon, or *scire facias* on judgment on by individual, how brought, and execution in whose name and to whose use issued.
- 12. Of duties and liabilities of keeper.
- 13. Of duty of keeper, upon *habeas corpus* to bring up prisoner committed to his jail.
- 14. Keeper, how removable.
- 15. In case of vacancy in office of in county of Providence, who *ex officio* keeper, and how compensated.
- 16. Duty of keeper to deliver books, papers, &c., to successor, and penalty for neglect of.

SECTION 1. The warden of the state's prison shall be keeper of the jail in the county of Providence, and shall be liable for the safe-keeping of all persons committed to his custody. Who keeper of jail in Providence.

SEC. 2. He shall, before entering upon the duties of his office, or that of warden, give bond to the state in the sum of five thousand dollars, distinct from his bond as warden of the state's prison, with sureties satisfactory to the inspectors of the state's prison for the faithful execution of his office according to law. Bond of, as keeper.

SEC. 3. His compensation shall be included in his compensation as warden of the state's prison. Compensation.

SEC. 4. He may appoint, subject to approval by the inspectors of the state's prison, such, and such number of under-keepers and assistants, either distinct from, or being also employed as officers and assistants in the state's prison, and with such compensation as said inspectors may approve. Under-keepers, &c., how appointed and compensated.

SEC. 5. He may select from such under-keepers and assistants a deputy keeper of said jail, who, for the time being, shall have all the powers and discharge all the duties of keeper; and the keeper shall be liable for all his acts, and may require from him bond with sureties for his indemnity. Deputy keeper, how selected, his powers, and liability of keeper for.

SEC. 6. He shall receive into his custody, and safely keep in said jail, every person who shall be committed thereto, until he shall be legally discharged therefrom; and the liability of the committing officer shall cease, and the liability of said keeper shall commence, immediately upon the entering and signing of the commitment by the committing officer in the book of said jail kept for that purpose. Duty and liability of keeper, as to persons committed.

SEC. 7. He shall receive and keep safely all such prisoners as may be temporarily committed to his keeping whilst being transferred from Duty of, as to persons tempo-

rarily committed, &c.

one county to another, under direction of the supreme court. The officer having charge of such prisoners shall certify their commitment and discharge upon the books of said jail, and the warrant of such officer, left with the jailer during such prisoner's detention, shall be a sufficient protection to him therefor.

Process, how may be varied in Providence county.

SEC. 8. The form of all process, writs, and executions to be served within the county of Providence shall be so varied by the court or magistrate issuing the same, as to carry into effect all the provisions in relation to said jail.

Fees and board of prisoners to go to state.

SEC. 9. All fees that may accrue to the keeper of said jail shall be credited to the state in his account of credits and disbursements, and also the amount of money received for board of persons committed to his charge.

Of judgment and execution on keeper's bond.

SEC. 10. Upon suits brought for breach of the keeper's bond, judgment shall be rendered for the whole penalty thereof, and execution shall issue for the amount of the special damage sustained, which judgment, in case of other breach or breaches, shall be from time to time revived by writs of *scire facias*, and execution shall issue for the damages assessed.

Action, &c., on by individual, &c., how brought, and execution, how issued, &c.

SEC. 11. If the original action be brought on said bond, or *scire facias* be sued out upon the judgment thereon, for the benefit of an individual or corporation, such individual or corporation shall first have the damages ascertained by an action against the keeper of the jail aforesaid; and execution shall issue as aforesaid in the name of the state, for the use of the party in interest; and the name of the party for whose use the original writ or *scire facias* is brought shall be written thereon.

Duties and liabilities of keeper.

SEC. 12. In general, all the duties and liabilities incumbent upon jailers in other counties shall be incumbent upon said keeper, unless otherwise expressly or by necessary implication provided.

Duty of, upon *habeas corpus* to bring up prisoner.

SEC. 13. Whenever said keeper shall be ordered by writ of *habeas corpus* to bring a prisoner confined in said jail before any court, it shall be the duty of said keeper to produce such prisoner before the court issuing such writ, who shall order such prisoner into the custody of the sheriff or other officer attending the said court, and thereupon the custody of said keeper shall cease, until such prisoner shall be again conducted to said jail by order of the court before whom such prisoner shall be brought.

How removable.

SEC. 14. Such keeper shall be removable by the inspectors of the state's prison at pleasure.

Who *ex officio* keeper of, in Providence, in case of vacancy.

SEC. 15. In case of vacancy in the office of keeper by death, resignation, or otherwise, and until the bond of the new keeper is given, the sheriff of the county of Providence shall be *ex officio* keeper of the jail in the county of Providence, and shall be entitled to receive such compensation as belongs to said office.

Keeper to deliver books, papers, &c., to successor.

SEC. 16. Whenever any person shall cease to hold said office of keeper, he shall deliver to his successor in office all books, bonds, notes, obligations, and other papers in his possession, pertaining to said office, and on refusal to deliver the same on demand, shall be fined not less than fifty dollars, nor more than five hundred dollars.

CHAPTER 192.

OF TOWN SERGEANTS AND CONSTABLES.

SECTION

- 1. Penalty for refusal to accept office of, how levied and collected, and limitation of obligation to serve in.
- 2. Of bond of town sergeant and constable.

SECTION

- 3. Duty of, as to service of writs and other process.
- 4. Liability of, in case of neglect to serve process.
- 5. Power of, to command aid, and penalty for neglect to render it.
- 6. Bond of, how to be sued.

SECTION 1. Whoever shall be legally chosen to the office of town sergeant, and shall refuse to serve therein, shall pay a fine of seven dollars to and for the use of the town, to be levied and collected, upon conviction, by warrant of distress issued by any justice of the peace of such town, said warrant to be directed to the sheriff of the county or his deputy ; and no person shall be obliged to serve in said office oftener than once in seven years.

Penalty for not serving, &c., and limitation on duty to serve.

SEC. 2. Every town sergeant and constable shall, at the time of his being sworn into office, give bond with sufficient sureties to the town treasurer in the sum of one thousand dollars, for the faithful performance of the duties of his office.

Bond of town sergeant and constable.

SEC. 3. Town sergeants and constables may and shall serve and execute, in any town of the county to which they belong, all writs, summons, and other processes to them directed, and which by law may or ought to be served and executed by town sergeants and constables, unless otherwise specially provided.

Duty of, as to service of process.

SEC. 4. If any town sergeant or constable shall neglect or refuse to serve any process, issuing from lawful authority, directed to him to serve and execute, having, in all civil cases, paid or tendered unto him his legal fees if he demand the same, for serving and executing such process, every such town sergeant or constable shall be liable to the party aggrieved for such damages as he may have sustained by such neglect or refusal.

Liability of, for neglect, &c., to serve.

SEC. 5. Every town sergeant and constable, in the due execution of his office, is empowered to command all necessary aid and assistance in the execution of his said office ; and if any person, when so required, shall refuse or neglect to give such aid and assistance, he shall be fined not exceeding twenty dollars.

Power of to command aid ; penalty for refusing.

SEC. 6. Any person injured by the breach of any town sergeant's or constable's bond may commence an action thereon in the name of the town treasurer of the town, for his own use, under like circumstances, and in the same manner, and subject to the same provisions, as he might do in the name of the general treasurer upon a bond given by the sheriff, if he were injured by the breach thereof.

Bond of, how sued.

TITLE XXVI.

OF ACTIONS AND PROCESS.

CHAPTER 193. Of actions.

CHAPTER 194. Of the limitation of actions.

CHAPTER 195. Of writs, the forms thereof, and when issuable.

CHAPTER 196. Of the service of writs.

CHAPTER 197. Of certain provisions concerning attachments.

CHAPTER 198. Of exemptions from arrest and from attachment.

CHAPTER 193.

OF ACTIONS.

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2. Other actions, in what county.
3. Where, if parties reside out of state.
- 4 and 5. Transitory actions by or against corporations, where.
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7. Effect of bringing actions in wrong county.
8. Promise, when to be in writing to maintain action.
9. Action against Indian tribe, or member of.
10. Actions and causes of, which survive death of plaintiff or defendant.
11. Actions surviving, by whom prosecuted and defended.
12. Of rule of damages in such actions.
13. Actions of ejectment to survive, and by whom prosecuted and defended.
14. Effect of judgment in, upon title to real estate.
15. Claims for highway damages, and appeals in, to survive, and how to be prosecuted.
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17. Damages for, to whom to go.

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18. Action for, by person interested in life.
19. Action for, by whom to be brought.
20. Criminal proceedings, not necessary to.
21. Action for damages caused by wrongful death of husband, wife, parent, or next of kin.
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26. Owner or lessor of building, &c, where liquors sold; when jointly liable with seller.
27. Damages recovered by wife, to be her separate property.
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29. Power of supreme court to enjoin selling or giving of liquor.
30. Representatives of joint obligor, when suable.
31. Judgment against part only of joint contractors, when bar to future action on contract.
32. Liability of innkeepers, how restricted in certain cases.

SECTION 1. All actions and suits, as well at law as in equity, which concern the realty, or any right, easement, or interest therein, or the possession thereof, all actions of trespass for the breaking and entering the close of any plaintiff, and all other actions in which title to real estate may be tried and determined, shall be brought in the county in which the land lies.

Suits in law and equity concerning real property, in what county brought.

SEC. 2. All other actions and suits shall be brought either in the county where the plaintiff or defendant, or some one of the parties plaintiff or defendant shall dwell, or in the county in which the defendant, or some one of the parties defendant shall be found.

Other actions, in what county.

SEC. 3. If no one of the parties plaintiff or defendant shall dwell in this state, such personal or transitory action may be brought in any county.

Where, if parties non-residents.

SEC. 4. Personal or transitory actions brought by or against corporations shall be brought either in the county in which the other party, or some one of the other parties dwells, or in the county in which the defendant or some one of the parties defendants shall be found, or in which the corporation is located by its charter, or if not located by its charter, in which the annual meetings of the corporation are required to be, or, if not required to be, are actually holden.

Transitory actions by or against corporations, where.

SEC. 5. If no one of the parties plaintiff or defendant dwells within the state, and the corporation be established out of this state, such personal or transitory action by or against it may be brought in any county.

Where, if all parties non-resident.

SEC. 6. All actions brought on any promissory note in the name of the assignee or endorsee, against the original promisor, shall be brought in the same county in which the action ought by law to be brought if no assignment or endorsement of such note had been made.

Actions on note assigned or endorsed, against promisor, where.

SEC. 7. All actions brought in other counties than is provided by the preceding sections of this chapter shall be abated.

Effect of bringing actions in wrong county.

SEC. 8. No action shall be brought, —

First. Whereby to charge any person upon any contract for the sale of lands, tenements, or hereditaments, or the making of any lease thereof for a longer time than one year.

Promise, when to be in writing, to maintain action.

Second. Whereby to charge any person upon any agreement made upon consideration of marriage.

Third. Whereby to charge any executor or administrator upon his special promise to answer any debt or damage out of his own estate.

Fourth. Whereby to charge any person upon his special promise to answer for the debt, default, or miscarriage of another person.

Fifth. Whereby to charge any person upon any agreement which is not to be performed within the space of one year from the making thereof;

Unless the promise or agreement upon which such action shall be brought, or some note or memorandum thereof, shall be in writing, and signed by the party to be charged therewith, or by some other person by him thereunto lawfully authorized.

SEC. 9. No action shall be brought against the Indian tribe of this state, or any member thereof resident in the town of Charlestown, for the recovery of debt; but the court or justice before whom such action shall be brought, or may be pending, shall, in any stage thereof, dismiss the same with double costs against the plaintiff.

Action against Indian tribe or member of.

SEC. 10. In addition to the causes of action and actions which survive at common law, the death of the plaintiff or defendant

Actions and causes of, which survive

death of plaintiff or defendant.

therein, the following causes of action and actions shall also survive : —

First. Causes of action and actions of waste.

Second. Causes of action and actions of replevin and trover.

Third. Causes of action and actions of trespass and trespass on the case for damages to the person, or to real and personal estate.

Actions surviving, by whom prosecuted and defended.

SEC. 11. All the causes of action and actions as well as appeals therein in the next preceding section mentioned, may be originally brought and prosecuted by and against executors and administrators ; appeals at any time during the term of the court to which the appeal is given, which shall commence next after the lapse of a month from the death of the testator or intestate, and if prosecuted or brought by the testator or intestate in his lifetime, may be prosecuted against or defended by his executors or administrators.

Of rule of damages in such action.

SEC. 12. Whenever any of said causes of action or actions are prosecuted or brought against the executor or administrator of the party originally liable, the plaintiff shall be entitled to recover only the value of the goods taken, or the damage actually sustained, without any vindictive or exemplary damages, or damages for any alleged outrage to the feelings of the injured party.

Actions of ejectment to survive, by whom prosecuted, &c.

SEC. 13. Actions of ejectment shall survive the death of the plaintiff or defendant, and may be prosecuted or defended by the heir, devisee, executor, or administrator of the deceased party, as the right may descend or vest.

Effect of judgment in, upon title to real estate.

SEC. 14. In no case shall the title to real estate be settled or affected, except so far as relates to the case on trial, if, and so far as the same shall be prosecuted or defended by an executor or administrator.

Claims for highway damages, and appeals in, to survive, and how to be prosecuted.

SEC. 15. Claims for damages on account of the laying out of highways through lands of the claimants, and appeals from proceedings laying out highways, shall survive the death of the claimant or appellant ; and the executor, administrator, heir, or devisee of the claimant or appellant may jointly or severally, according to their interest, prosecute such claim or appeal in any stage of the proceedings, in case of an appeal, giving bond, filing reasons of appeal, and entering the same at any time during the term of the court of common pleas in the same county next after the final action of the town council on the report of laying out, or next after a month succeeding the death of the claimant or appellant, whichever may last happen.

Remedy for loss of life by negligence of common carriers and railroad and steamboat companies.

SEC. 16. If the life of any person, being a passenger in any stage-coach or other conveyance, when used by common carriers, or the life of any person, whether a passenger or not, in the care of proprietors of, or common carriers by means of, railroad or steamboats, or the life of any person crossing upon a public highway with reasonable care, shall be lost by reason of the negligence or carelessness of such common carriers, proprietor or proprietors, or by the unfitness or negligence or carelessness of their servants or agents, in this state, such common carriers, proprietor or proprietors, shall be liable to damages for the injury caused by the loss of life of such person, to be recovered by action on the case, for the benefit of the husband or widow and next of kin of the deceased person, one moiety thereof to go to the husband or widow, and the other to the children of the deceased.

Damages for, to whom to go.

SEC. 17. If in such case there shall be no children, the whole of such damages shall go to the husband or widow ; and if there be no husband or widow, to the next of kin, according to the law of this

state regulating the distribution of intestate personal estate amongst the next of kin.

SEC. 18. In addition to such action in favor of the widow and kindred of the deceased, a like action may be maintained for damages for such loss of life by any person having a direct pecuniary interest in the continuance of the life of such deceased person.

Action for, by person interested in life.

SEC. 19. Actions for the benefit of the widow and next of kin of such passenger or person may, in all cases, be brought by the executor or administrator of the deceased, whether such executor or administrator be appointed and qualified as such within or without this state; but where there is a widow only, she may, at her option, sue in her own name.

Action for, by whom to be brought.

SEC. 20. To maintain such actions it shall not be necessary first to institute criminal proceedings against the defendants.

Criminal proceedings not necessary to.

SEC. 21. In all cases in which the death of any person ensues from injury inflicted by the wrongful act of another, and in which an action for damages might have been maintained at the common law had death not ensued, the person inflicting such injury shall be liable to an action for damages for the injury caused by the death of such person, to be recovered by action of the case for the use of his or her husband, widow, children, or next of kin, in like manner, and with like effect, as in the preceding five sections provided.

Action for damages caused by wrongful death of husband, wife, parent, or next of kin.

SEC. 22. Whenever any person shall suffer any injury to his person, reputation, or estate, by the commission of any crime or offence, he may recover his damages for such injury, either in an action of trespass or in an action on the case, against the offender.

Form of action for injury caused by crime.

SEC. 23. No such action, except as provided in the five sections preceding the last, shall be commenced for such injury, until after complaint has been made to some proper magistrate for such crime or offence, and process issued thereon against the offender, excepting only those cases in which such actions may now be maintained at common law; and whenever any person shall be convicted of larceny, he shall be liable to the owner or owners of the money or articles taken, for twofold the value thereof, unless the same be restored, and one fold the value thereof, in case of restoration, to be recovered by civil action.

Criminal proceedings, when necessary to action.

SEC. 24. Every person residing within this state who shall be injured in person, property, means of support, or otherwise, by any intoxicated person, or by reason of the intoxication of any person directly or indirectly, shall have a right of action in his or her own name to recover damages against any person who shall, by selling or giving intoxicating liquor, have caused or contributed to such intoxication.

Action against seller of liquor, for injury done by intoxicated person, &c.

SEC. 25. Every person having such right of action shall not be required to give surety for costs on any writ therein.

Surety for costs not required.

SEC. 26. The owner or lessor of any building or premises, having knowledge that intoxicating liquors are to be or are unlawfully sold therein, shall be liable severally or jointly with the person so selling or giving intoxicating liquors as above provided.

Of liability of owner or lessor of building where liquor sold, &c.

SEC. 27. In every action by any wife, the damages recovered shall be her sole and separate property.

Wife entitled to damages, when.

SEC. 28. Every sale or gift of intoxicating liquors by the lessee of any premises, which shall result in damages, shall work a forfeiture of his lease.

Sale of liquor to work forfeiture of lease, when.

SEC. 29. The supreme court may enjoin the sale or giving away of intoxicating liquors by any lessee of premises, whenever such sale

Power of supreme court to

enjoin sale, &c., of liquor.
Representatives of joint obligor, when suable.

or giving away may result in loss, damage, or liability to the lessor, or any person claiming under him.

SEC. 30. The representatives of one jointly bound with another for the payment of any debt, or for performance or forbearance of any act, or for any other thing, and dying in the lifetime of the latter, may be charged by virtue of such obligation in the same manner as such representative might have been charged, if the obligors had been bound severally as well as jointly: *Provided*, that the plaintiff shall first pursue the surviving debtor to final judgment and execution.

Of judgment against part of joint contractors.

SEC. 31. No judgment rendered against a part only of the defendants in an action upon a joint contract shall be a bar to any future action on said contract against such of the defendants upon whom or whose estate the writ in the original action may not have been served.

Liability of innkeeper, how restricted in certain cases.

SEC. 32. Any innkeeper who shall provide a suitable safe in his house for the safe keeping of any money, jewels, or ornaments belonging to his guests, and shall notify them thereof by posting a printed notice conspicuously in the rooms that such safe has been provided for said purpose, shall not be liable for the loss of any money, jewels, or ornaments, by theft or otherwise, which any guest who has neglected to deposit the same in such safe may sustain.

CHAPTER 194.

OF THE LIMITATION OF ACTIONS.

SECTION

1. Actions of slander, how limited.
2. Of trespass, how.
3. Of account, of the case, except for words spoken, of debt, except in certain cases, of detinue and replevin, how.
4. Of debt on specialty and of covenant, how.
5. Saving in favor of residents against absent residents.
6. General saving.

SECTION

7. Time extended by death of parties, when.
8. Time extended by abatement of action, or arrest of judgment.
9. Action against executor and administrator, how limited.
10. Action against heir or devisee for debt of ancestor or testator, how.
11. Special limitations saved.

Actions of slander, how limited.

SECTION 1. Actions upon the case for words spoken shall be commenced and sued within one year next after the words spoken, and not after.

Of trespass, how.

SEC. 2. Actions of trespass shall be commenced and sued within four years next after the cause of action shall accrue, and not after.

Of account, of the case, except, &c., of debt, except, &c., of detinue and replevin, how.

SEC. 3. All actions of account, except on such accounts as concern trade or merchandise between merchant and merchant, their factors and servants, all actions of the case, except for words spoken, all actions of debt founded upon any contract without specialty, or brought for arrearages of rents, and all actions of detinue and replevin, shall be commenced and sued within six years next after the cause of such action shall accrue, and not after.

SEC. 4. All actions of debt other than those in the next preceding

section specified, and all actions of covenant, shall be commenced and sued within twenty years next after the cause of action shall accrue, and not after.

Of debt on specialty and of covenant, how.

SEC. 5. If any person against whom there is or shall be cause for any action hereinbefore enumerated in favor of a resident therein shall, at the time such cause accrue, be without the limits of this state, or being within said state at the time such cause accrue, shall go out of said state before said action shall be barred by the provisions of this chapter, and shall not have or leave property or estate therein that can by the common and ordinary process of law be attached, then the person entitled to such action may commence the same within the time before limited, after such person shall return into this state, in such manner that an action may with reasonable diligence be commenced against him by the person entitled to the same.

Saving in favor of residents, against absent residents.

SEC. 6. If any person at the time any such action shall accrue to him shall be within the age of twenty-one years, feme covert, *non compos mentis*, imprisoned, or beyond the limits of the United States, such person may bring the same, within such time as is hereinbefore limited, after such impediment is removed.

General saving.

SEC. 7. If any person, for or against whom any of such actions shall accrue, shall die before the time limited for bringing the same, or within sixty days after the expiration of said time, and the cause of such action shall survive, such action may be commenced by or against the executor or administrator of the deceased person, as the case may be, at any time within one year after the granting of letters testamentary or of administration, and not afterwards, if barred by the provisions of this chapter.

Time extended by death of parties, when.

SEC. 8. If any action, duly commenced within the time limited and allowed therefor in and by this chapter, shall be abated or otherwise avoided or defeated by the death of any party thereto, or for any matter, or if after verdict for the plaintiff the judgment shall be arrested, the plaintiff may commence a new action for the same cause, at any time within one year after the abatement or other determination of the original suit as aforesaid; and if the cause of action does by law survive, his executor or administrator may, in case of his death, commence said new action within the said one year.

Time extended by abatement of action, or arrest of judgment.

SEC. 9. No action shall be brought against any executor or administrator in his said capacity, within one year after the will shall be proved or administration granted: except for medicines and attendance in the last sickness, and funeral charges of the deceased, and excepting also actions brought in pursuance of the seventh section of this chapter; nor shall any action be brought against any executor or administrator in his said capacity, unless the same shall be commenced within three years next after the will shall be proved or administration shall be granted: *Provided*, such executor or administrator shall give notice of his appointment, by publishing the same in some public newspaper in this state, nearest to the place in which the deceased person last dwelt, or in such other manner as the court of probate shall direct; said periods to be reckoned from the time of giving such notice.

Action against executor or administrator, how limited.

SEC. 10. No action shall be brought against any heir or devisee of a deceased person, for the payment of the debts of the ancestor or testator, within three years next after administration granted or probate of the will made.

Against heir or devisee, how.

SEC. 11. The provisions of this chapter shall not apply to any case in which by special provision a different time is limited.

Special limitations saved.

CHAPTER 195.

OF WRITS, THE FORMS THEREOF, AND WHEN ISSUABLE.

SECTION

1. Writs, in what name issued, and how sealed and signed.
2. To be writs of summons unless otherwise provided.
3. Writs of supreme court and court of common pleas, how tested.
4. How to run.
5. Writs of a justice court, when returnable, how directed, and what to contain.
6. Form of writ of summons of supreme court and court of common pleas.
7. Form of writ of summons of a justice court.
8. Writ of arrest, when may be issued by supreme court, court of common pleas, and justice courts.
9. Form of writ of arrest of supreme court and court of common pleas.
10. Form of writ of arrest of a justice court.
11. Writs of attachment, when may be issued by supreme court, court of common pleas, and justice courts.
12. Form of writ of attachment of supreme court and court of common pleas.
13. Form of writ of attachment of a justice court.
14. Writ of mesne process, when and

SECTION

- how may be sued out, and form of, and when returnable.
15. Writ of attachment, of what it may command the attachment, and how may be varied.
 16. Form of writs of replevin and *scire facias*.
 17. Power to vary writ of *scire facias*.
 18. Form of writ against a female founded on a contract.
 19. Power to combine forms of writs, where two or more defendants.
 20. Forms of writs where none herein prescribed.
 21. Writ, how to issue, where name of defendant unknown.
 22. Real estate not to be attached on writ of a justice court.
 23. Process in action to which a trial justice is a party or interested, where returnable, &c.
 24. Processes of any court, how signed if clerk be a party.
 25. Writs, when to be endorsed.
 26. New, or sufficient endorser, when may be required.
 27. Effect of neglect of plaintiff to comply with order of court requiring same.
 28. Liability of endorser for costs, and limitation of.
 29. Penalty for false swearing in affidavit, by means of which a writ of arrest or attachment has been issued and served.

Writs, how issued, sealed, and signed.

To be writs of summons unless, &c.

Writs of supreme court and court of common pleas, how tested.

How to run.

SECTION 1. Writs issued by any court shall issue in the name of the State of Rhode Island and Providence Plantations, shall be under the seal of the court from which they issue, and shall be signed by its clerk or one of the justices thereof.

SEC. 2. Every original writ or writ of mesne process issued by the supreme court, court of common pleas, or by a justice court, shall be a writ of summons unless otherwise provided.

SEC. 3. Every writ issuing from the supreme court or court of common pleas shall bear teste of the chief justice of the supreme court, but in case he shall be a party to the action or suit, or the office of chief justice shall be vacant, such writ shall bear teste of the senior associate justice of the supreme court, not a party thereto.

SEC. 4. Such writs shall run throughout the state, and shall be directed to the sheriffs of all the counties in the state, or to their deputies; but, if the sheriff of any county be a party to the action

or suit, the process, if to be served in that county, shall, in addition to the former direction, be directed to the town sergeants in the county, and may be served by any one of them, not a party thereto.

SEC. 5. Writs issued by a justice court shall be made returnable to such court at a day, hour, and place named therein, and shall be directed to the sheriff, his deputy, or to either of the town sergeants, or constables of the county in which the suit shall be brought; and in case the defendant has estate, or any person upon whom it is necessary to make service of said writ be, in any other county than the one in which the suit is brought, the writ may be also directed to the like officers of such county; and every such original writ shall contain the plaintiff's declaration at length.

Writs of a justice court, when returnable, &c., how directed, and what to contain.

Writs of Summons.

SEC. 6. The form of a writ of summons issued by the supreme court or court of common pleas shall be substantially as follows:—

Form of writ of summons of supreme court and court of common pleas.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties or to their deputies, greeting:*

We command you to summon _____ if _____ may be found in your precinct, to answer the complaint of _____ at the next court to be holden at _____ within and for our said county of _____ on the _____ Monday of _____ next ensuing the date hereof, in an action of _____ as by declaration to be filed in court will be fully set forth: to the damage of the plaintiff _____ dollars. Hereof fail not, and make true return of this writ with your doings thereon. Witness, Hon. _____ chief justice of our supreme court at _____ this _____ day of _____ in the year _____

Clerk.

SEC. 7. A writ of summons issued by a justice court shall be substantially in the following form:—

Form of writ of summons of a justice court.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of the county of _____ his deputies, or to either of the town sergeants or constables in said county, greeting:*

We command you to summon _____ of _____ if to be found in your precinct, to answer the complaint of _____ at a justice court to be holden at _____ in _____ on the _____ day of _____ at _____ o'clock in _____ noon, in an action of _____

For that [here insert the declaration at length.]

To the damage of the plaintiff as he says _____ dollars.

Hereof fail not, and make true return of this writ with your doings thereon. Witness _____ Esq., trial justice at _____ this _____ day of _____ in the year _____

Clerk.

If such writ be issued by a justice court having no clerk, then the form of attestation shall be substantially as follows:—

Form of attestation, if court have no clerk.

Witness my hand at _____ this _____ day of _____ in the year _____ Trial Justice.

Writs of Arrest.

Writ of arrest
may be issued,

for debt, &c.,
prior to July
1st, 1870;

in certain tor-
tious actions;

when plaintiff
makes affidavit
of just claim,
&c.;

and, that de-
fendant is
about to leave
state, &c.,
or, has com-
mitted fraud,
&c.

Form of writ
of arrest of su-
preme court
and court of
common pleas.

SEC. 8. An original writ commanding the arrest of any person not exempt by law from arrest may be issued by the supreme court, court of common pleas, or any justice court, —

First. In any action for the recovery of a debt or of a state or town tax, the cause of which accrued previous to the first day of July, A. D. 1870.

Second. In any action on penal statutes, or in any action of trover, detinue, trespass, trespass on the case, trespass and ejectment, and trespass *quare clausum fregit*.

Third. Whenever the plaintiff in an action to be commenced by such writ, his agent or attorney, shall make affidavit to be endorsed thereon or annexed thereto, that the plaintiff has a just claim against the defendant upon which the plaintiff expects to recover, in the action commenced by such writ, a sum sufficient to give jurisdiction to the court to which such writ is returnable: *And also, either* that the defendant or some one of the defendants is about to leave the state without leaving therein real or personal estate whereon an execution that may be obtained in such action can be served, *or* that the defendant or some one of the defendants has committed fraud in contracting the debt upon which the action is founded, or in the concealment of his property, or in the disposition of the same.

SEC. 9. An original writ of arrest issued by the supreme court or court of common pleas shall be substantially in the following form: —

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties or to their deputies,*
greeting:

We command you to arrest the body of _____ if _____ may be found in your precinct _____ and _____ in safe custody keep to answer the complaint of _____ at the next _____ court to be holden at _____ within and for the county of _____ on the _____ Monday of _____ next ensuing the date hereof, in an action of _____ as by declaration to be filed in court will be fully set forth, to the damage of the plaintiff _____ dollars. Hereof fail not, and make true return of this writ with your doings thereon.

Witness, Hon. _____ Chief Justice of our supreme court
at _____ this _____ day of _____ in the year of _____

Clerk.

Form of writ
of arrest of a
justice court.

SEC. 10. An original writ of arrest issued by a justice court shall be substantially in the following form: —

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of the county of _____ his deputies, or to either of the town sergeants or constables in the county of _____*
greeting:

We command you to arrest the body of _____ of _____ if he may be found in your precinct, to answer the complaint of _____ [The remainder as in a writ of summons.]

Writs of Attachment.

Writs of at-
tachment to
issue upon affi-

SEC. 11. An original writ commanding the attachment of the real or personal estate of the defendant, including his personal estate in

the hands or possession of another person as trustee of the defendant, and his stock or shares in any banking association, or other incorporated company, may be issued by the supreme court, court of common pleas, or by any justice court, whenever the plaintiff in the action to be commenced by such writ, his agent or attorney, shall make affidavit to be endorsed thereon or annexed thereto, That the plaintiff has a just claim against the defendant that is due, upon which the plaintiff expects to recover in such action a sum sufficient to give jurisdiction to the court to which such writ is returnable.

davit of plaintiff, &c., alleging

a just claim, &c., and

And also: either

That the defendant is an incorporated company established out of the state, or that he resides out of the state, or that he has left the state, and is not expected by the affiant to return within the same in season to be served with process returnable to the next term of such court.

absence of defendant from state, &c., or,

Or

That the defendant, or some one of the defendants, has committed fraud in contracting the debt upon which the action was founded; or in the concealment of his property, or in the disposition thereof.

fraud, &c., or,

Or

That since the contracting of such debt the defendant has been the owner of property, or in the receipt of an income which he has refused or neglected to apply towards the payment thereof, though requested by the plaintiff so to do.

receipt of income, &c., by defendant since contracting debt.

SEC. 12. An original writ of attachment issued by the supreme court or court of common pleas shall be substantially in the following form :

Form of writ of attachment of supreme court and court of common pleas.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties or to their deputies, greeting :*

We command you to attach the goods and chattels, and real estate of of and them in safe custody keep; and also to attach the personal estate of the said in the hands or possession of of as trustee of the said; and also to attach his stock or shares in any banking association or incorporated company to the value of dollars, to answer the complaint of at the next court to be holden at within and for our said county of on the Monday of next ensuing the date hereof, in an action of as by declaration to be filed in court will be fully set forth: to the damage of the plaintiff dollars. Hereof fail not, and make true return of this writ with your doings thereon.

Witness, Hon. chief justice of our supreme court, at this day of in the year of

Clerk.

SEC. 13. An original writ of attachment issued by a justice court shall be substantially in the following form : —

Form of writ of attachment of a justice court.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of the coun'y of his dep-*

uties, or to either of the town sergeants or constables, in the county of *greeting:*

We command you to attach the goods and chattels, and real estate of _____ and them in safe custody keep, and also to attach his personal estate in the hands or possession of _____ of _____ as the trustee of the said _____; and also to attach his stock or shares in any banking association or incorporated company. [The remainder as in a writ of summons.]

Writs of Mesne Process.

Writ of mesne process, when and how may be sued out;

SEC. 14. Whenever an action has been commenced by an original writ of summons, the plaintiff therein may, at any time before final judgment in such action, sue out of the court to which such original writ was returnable a writ of mesne process, commanding the arrest of the defendant, or a writ of mesne process commanding the attachment of his goods and chattels and real estate, and of his stock or shares in any banking association or other incorporated company, and of his personal estate in the hands or possession of any person, copartnership, or corporation, as the trustee of the defendant, upon such plaintiff, his agent, or attorney, making an affidavit to be endorsed on, or annexed to such writ, setting forth facts which would have authorized such arrest or attachment upon the original writ in such action had such affidavit then been made. Such writ of mesne process shall conform as nearly as may be to an original writ commanding an arrest or attachment, and shall be made returnable forthwith.

form of, and when returnable.

Writ of attachment, may command what, and be varied, how.

SEC. 15. Whenever a writ of attachment can be issued by any court, it may command the attachment of the goods and chattels of the defendant, and his real estate, and his personal estate in the hands of another person as his trustee, and his stock or shares in any banking association or incorporated company, and may be varied so as to command the attachment of one or more of such classes of property of the defendant.

Form of writ of replevin.

SEC. 16. The forms of writs of replevin and *scire facias* shall be substantially as follows, to wit:—

Writ of Replevin.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties and to their deputies,* *greeting:*

We command you, that you replevy, if to be found within your precinct, the goods and chattels following, viz: (here enumerate and particularly describe them) belonging to _____ of _____ now taken (detained or attached as the case may be) by _____ of _____ at _____ in the county of _____ and them deliver unto the said _____ provided the same are not taken, attached, or detained upon original writ, mesne process, warrant of distress, or upon execution as the property of the said _____ and summon the said _____ that he appear before our court _____ next to be holden at _____ within and for the county of _____ on the _____ Monday of _____ to answer unto the said _____ in a plea of replevin; that the said _____ on the _____ day of _____ at said _____ unlawfully, and without justifiable cause, took the goods and chattels

of the said _____ as aforesaid, and them unlawfully detained unto this day (or unlawfully detained the goods and chattels aforesaid, as the case may be), to the damage of the said, _____ as he says _____ dollars. Hereof fail not, and make true return of this writ with your doings thereon, together with the bond you shall take of the plaintiff

Witness, Hon. _____, chief justice of our supreme court, at _____ this _____ day of _____ in the year _____ Clerk.

Scire Facias.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties and to their deputies, greeting :* Form of writ of *scire facias.*

Whereas, _____ of _____ by the consideration of the court holden at _____ in said county, on the _____ day of _____ recovered judgment against _____ of _____ for the sum of _____ dollars and _____ cents, and costs taxed at _____ as appears of record, and execution thereof remains to be done :

We command you therefore to summon the said _____ to appear before the _____ court to be holden at _____ in said county of _____ on the _____ day of _____ to show cause if any he has, why the said _____ should not have execution against _____ for the sums aforesaid. Hereof fail not, and make true return of this writ with your doings thereon.

Witness, Hon. _____ chief justice of our supreme court, at _____ this _____ day of _____ in the year _____ Clerk.

SEC. 17. The form of a writ of *scire facias* may be varied from the above to adapt it to service by arrest or attachment. Power to vary writ of *scire facias.*

SEC. 18. Every original writ issued against a female, founded on a contract, shall be a writ of summons, unless the plaintiff in such suit, his agent or attorney, shall make affidavit to be endorsed thereon or annexed thereto, that the defendant is without the state and is not expected by the affiant to return thereto in season to be served with such writ twenty days before the sitting of the court to which it is returnable, in which case a writ of attachment may issue. Form of writ against a female founded on a contract.

SEC. 19. Whenever an original writ shall issue against more than one defendant, the forms hereinbefore given may be altered so as to combine the writ of arrest, the writ of summons, and the writ of attachment, in order that the same may be served on one or more of the defendants by one form of service, and on the other or others by another form of service. Power to continue forms of writs, when two or more defendants.

SEC. 20. Every court shall adapt the form of process necessary to be issued thereby, whenever no form is prescribed, so as to conform to law, and as far as the nature of the case will admit of, to the forms prescribed in this chapter. Forms of, where none herein prescribed.

SEC. 21. Whenever the name of any defendant or respondent is not known to the plaintiff, the writ may issue against him by a fictitious name, or by such description as the plaintiff or complainant may select, and if duly served it shall not be abated for that cause, but may be amended with or without terms, as the court may order. Writ, how to issue if name of defendant unknown.

SEC. 22. Real estate shall not be attached upon an original writ or writ of mesne process issued by a justice court. Real estate not to be attached on justice court writ.

SEC. 23. Whenever a trial justice shall be a party to an action, or in any way interested therein, before whom such action would otherwise be brought, all processes issuing in such action shall issue from _____ Process in action to which

trial justice party, &c., where returnable, &c.

Process, how signed, if clerk a party.

Writs, when to be endorsed.

New, or sufficient endorser when may be required.

Effect of neglect to give, when required.

Liability of endorser for costs, and limitation of.

Penalty for procuring writ by false swearing, &c.

and be returnable to a justice court in an adjoining town to that in which such trial justice resides, in like manner and with like effect as if such trial justice were a resident of such town.

SEC. 24. Whenever the clerk of any court shall be a party to an action, suit, or other proceeding, civil or criminal, all processes issuing from such court thereon shall be signed by the justice thereof.

SEC. 25. Whenever the plaintiff in any original writ, in any court, shall not be an inhabitant of this state, he shall, upon motion of any defendant therein, at the first term of the court to which the writ is returnable, give some sufficient person residing within the state as surety for costs, which shall be done by such surety, endorsing his name on such writ.

SEC. 26. The court before whom any action at law, or suit in equity is pending, shall, at any time before final judgment therein, upon motion of any defendant, and for cause shown, require the plaintiff to procure another surety for costs residing within the state, or, if none have been given, a sufficient surety residing within the state, which shall be done in like manner as is provided in the next preceding section.

SEC. 27. Upon the neglect of the plaintiff to comply with an order of the court requiring a surety, or another surety as herein provided, his action or suit may be dismissed with costs for the defendant.

SEC. 28. Every such surety shall be liable, in case the plaintiff shall not make good his plea, to pay all costs that shall be awarded against the plaintiff: *Provided*, suit be brought therefor within one year after final decree or judgment in such suit or action.

SEC. 29. Every person who shall wilfully swear falsely to any statement in an affidavit made by him, by means of which affidavit a writ of arrest or attachment shall have issued, and which shall have been served by arrest or attachment, shall be deemed guilty of perjury.

CHAPTER 196.

OF THE SERVICE OF WRITS.

SECTION

1. Duty of officer to whom writ or precept is delivered for service.
2. Writs of supreme court and court of common pleas, when to be returnable and when served; writ of a justice court, when to be served.
3. Writ of summons, how served.
4. Writ of summons against a foreign insurance company, how.
5. Duty of officer making an arrest in a civil action.
6. Right to be let to bail, what.
- 7 and 8. Bail, how taken.
9. Bail of persons committed on

SECTION

- any process out of county of Providence, how taken.
- 10 and 11. Bail of such persons committed to jail in Providence county, when and how.
12. Writ of attachment of real estate, &c., how served.
13. Duty of officer charged with writ of attachment of goods and chattels.
14. Defendant, how to be notified of such attachment.
15. Duty of officer to keep goods attached, and for what purpose.
16. Of right of defendant to give bond to such officer.

SECTION

- 17. Power of defendant to apply to justice of court from which writ issued, for reduction of damages, &c.
- 18. Duty of officer to surrender such goods to defendant, upon accepting such bond.
- 19. Duty of officer to make inventory, if bond not given.
- 20. Duty of officer to surrender such goods at any time, upon being tendered bond, &c.
- 21. Writ of attachment of property in the hands of trustees and of shares in corporations, how served.

SECTION

- 22. Service of process upon non-resident guardians, executors, and administrators, how made.
- 23. Officer, when to charge for only one attested copy of writ, &c.
- 24. Duty of, to give copy upon payment of his fees therefor.
- 25. Time of attachment to be set forth in return.
- 26. Saving of liens, &c., upon stock or shares attached.
- 27. Warrants of distress, how to be served.
- 28. Service of civil process on Sunday, void.

SECTION 1. Every officer to whom any writ or precept lawfully issued shall be delivered shall execute the mandates therein contained as commanded, and shall make return of his doings thereon. In case he be unable to execute such mandates, he shall set forth the reason of his failure in his return.

Duty of officer receiving writ or precept for service.

SEC. 2. Every original writ issuing out of the supreme court, or any court of common pleas, except a special court of common pleas, shall be returnable to the term of such court which shall commence next after twenty days or more from the date thereof, and shall be served twenty days before the return day thereof, except in those cases in which special provisions shall be made to the contrary; and every original writ issuing out of a justice court shall be served six days before the return day thereof.

Writs, when to be returnable, and when served.

Service of Writs of Summons.

SEC. 3. A writ of summons shall be served by reading the same to the person to be summoned, or by leaving an attested copy thereof with him or at his last and usual place of abode; or, if such writ be issued against any company incorporated in this state, by leaving an attested copy of such writ, if a bank, with the cashier thereof, if an insurance company, with the president or secretary thereof, and if any other corporation, with the treasurer thereof or the person executing the duties of treasurer thereof; if against a copartnership, where neither of the copartners has a last and usual place of abode in this state, with some clerk or agent of said copartnership, or at the last and usual abode of such officers, clerk, or agent respectively, or in such other mode as by the charter of such corporation may be provided.

Writ of summons, how served.

SEC. 4. A writ of summons issued against an insurance company incorporated in any other state or country, which shall have an agency in this state, shall be served by leaving an attested copy of such writ with such agent, or at his last and usual place of abode.

Writ of summons against foreign insurance company, how.

Service of Writs of Arrest and of Bail.

SEC. 5. Every officer who shall arrest any person by virtue of any writ of arrest, in a civil action, shall keep such person in safe custody until he be discharged pursuant to law.

Duty of officer making arrest, &c.

Right to be let to bail, what.

SEC. 6. Every such officer who shall so arrest any person shall let the person so arrested to bail, upon his giving sufficient surety for his appearance at the court to which such writ or process shall be returnable, and to abide the final judgment which shall be rendered thereon.

Bail, how taken.

SEC. 7. Whoever shall become bail for any person shall give bond to the sheriff, if the writ or process shall be served by the sheriff or his deputy; and if the writ or process shall be served by a town sergeant or constable, the bail bond in such case shall be given to the officer serving the same.

Same subject.

SEC. 8. Instead of giving bond as aforesaid, the person becoming bail may endorse his christian and surname on the back of the writ or process, which shall hold him as bail to the same extent as if he had executed and delivered a formal bail bond.

Bail of persons committed on any process, out of Providence county, how taken.

SEC. 9. Every person committed to jail in any county, except the county of Providence, by virtue of an arrest on any writ or process in any civil action, or by surrender of former bail in the same action, shall be let to bail or to new bail, as the case may be, in manner before provided, at any time before the rendering of final judgment on the original writ on which the arrest was made.

Bail of such persons committed to jail in Providence county, when and how.

SEC. 10. Every person committed to jail in the county of Providence on any writ or process in any civil action, or by surrender of former bail in the same action, may be let to bail or to new bail, as the case may be, by the keeper of said jail, or by the officer who served the writ or process, at any time before final judgment shall be rendered on the writ on which the arrest was made, upon his giving sufficient surety for his appearance at the court to which such writ is returnable, and to abide the final judgment which shall be rendered thereon.

Same subject.

SEC. 11. In case bail be taken by said keeper, the person becoming bail shall give bond to the keeper in a penal sum equal to the damages laid in such writ; but if bail be taken by the officer who served such writ, the person becoming bail may give such bond to the officer, or may endorse his christian and surname on the back of such writ or process, which shall hold him as bail, as in other cases.

SERVICE OF WRITS OF ATTACHMENT.

Of Real Estate.

Writ of attachment of real estate, &c., how served.

SEC. 12. The officer commanded by any original writ, or writ of mesne process, to attach real estate, or the right, title, and interest of any defendant therein, shall attach the same by leaving an attested copy of such writ, with a copy of his doings thereon, with the town clerk of the town in which such real estate shall be situated; and shall also leave an attested copy of such writ, with a general reference thereon to the real estate attached thereby, together with a statement of the date and time of day of such attachment, with the defendant personally, or with some person at his last and usual place of abode, if any he have, within the precinct of the officer; or if he have none, then such officer shall send such copy by mail to such defendant, if his address be known to or can be ascertained by such officer; and shall also, in the last named event, leave a like copy with the person, if any, in possession of such real estate.

Of Goods and Chattels.

Duty of officer charged with

SEC. 13. Whenever an original writ, or writ of mesne process, shall command the officer to whom the same is directed to attach the

goods and chattels of a defendant, such officer shall attach the same to the value commanded in the writ, if so much can be found by him, and may attach any less value, if the plaintiff or his attorney shall give order therefor, on such writ.

writ of attachment of goods and chattels.

SEC. 14. The officer making such attachment shall serve, as soon as may be, the defendant, with an attested copy of such writ, having endorsed thereon a general reference to the class or kind of goods and chattels so attached, together with a statement of the place in which they were found, and of the date and time of day of such attachment, by delivering such copy to the defendant, if he can be found by such officer within his precinct, or by leaving the same with some person at the defendant's last and usual place of abode ; or if he have none within the precinct of such officer, by sending such copy by mail to such defendant, if his address be known or can be ascertained by such officer, and, in the last named event, by leaving such copy with some person, if any there be, in possession of such goods and chattels at the time of their attachment.

Defendant, how to be notified.

SEC. 15. Such officer shall keep the goods and chattels so attached in his custody, as security to satisfy such judgment as the plaintiff may obtain, until, by due process of law, either he shall sell the same, or they be withdrawn from his custody.

Officer to keep goods attached, &c.

SEC. 16. The defendant in any writ upon which goods and chattels shall have been attached may, at any time within forty-eight hours, exclusive of Sunday, after such attachment, deliver to such officer a bond in the penal sum of the amount of damages laid in the writ, signed by the defendant or some one in his behalf, with sureties to the satisfaction of such officer, with a condition therein that the same shall be null and void, if the final judgment in the action in which such writ was served shall be forthwith paid and satisfied after the rendition thereof.

Of right of defendant to give bond to such officer.

SEC. 17. If the defendant in such writ shall deem the damages laid therein excessive, he may before giving such bond complain in writing to any justice of the court from which such writ issued, requesting their reduction ; and such justice may, after due notice to the plaintiff in such writ, or to his attorney, and upon cause shown, reduce such damages, and the amount so fixed shall be the penal sum in such bond.

Of application by, for reduction of damages, &c.

SEC. 18. Upon accepting a bond given to satisfy a judgment, as herein required, such officer shall lodge the same with the clerk of the court, if there be a clerk, otherwise with the justice of the court to which the writ in such action shall be returnable, and shall forthwith surrender the goods and chattels attached by him to the person whose interest therein shall have been attached, or from whose possession the same were taken by virtue of such writ.

Officer to surrender such goods to defendant, upon accepting bond.

SEC. 19. If the defendant in such writ shall not within the time required, either give such bond or a bond for the value of the goods and chattels attached, in the manner by law provided, such officer shall make an inventory of the goods and chattels by him attached upon such writ, and return the same as a part of his doings in his return upon such writ.

Inventory to be made, if bond not given.

SEC. 20. The officer having the goods and chattels so attached by him in his custody shall surrender the same at any time after such attachment, and before final judgment, to the person whose interest therein has been attached, or from whose possession they have been taken, upon being tendered a bond by the defendant or some one in his behalf, with sufficient sureties to the satisfaction of such officer,

Duty of officer to surrender such goods upon being tendered bond, &c.

in double the value of the goods and chattels so attached, with condition that such writ shall be null and void, if at any time after final judgment in the action in which such attachment shall have been rendered, such goods and chattels shall upon request therefor be, in as good order and condition as when surrendered, returned to the officer taking such bond, or to any officer who shall be charged with the service of an execution, levied upon the judgment rendered in such action, unless such judgment shall have been paid, or shall be immediately paid, together with the costs upon such execution, upon the making of such request or the return of such goods and chattels.

Of Property in the hands of Trustees and of Shares in Corporations.

Writ of attachment of property in the hands of trustees, and of shares in corporations, how served.

SEC. 21. Whenever a writ shall command the attachment of the shares of the defendant in any corporation, or of his personal estate in the hands of another person, copartnership, or corporation, as his trustee, it shall be served by leaving an attested copy thereof, having endorsed thereon the date and time of day of such service, with the person or some member of the copartnership named in such writ as trustee, or if such trustee, or the corporation whose shares shall be directed to be attached, shall be a bank, with the cashier thereof, if an insurance company, with the president or secretary thereof, and if any other corporation, with the treasurer thereof, or the agent or superintendent, at the manufactory where the person is employed whose wages are to be trusted, or the person executing the duties of treasurer thereof; and such officer shall also leave an attested copy of such writ so endorsed with the defendant, or with some person at his last and usual place of abode, or if he have none within the precinct of such officer, the latter shall send such copy to the defendant by mail, if his address is known to or can be ascertained by such officer.

Service upon non-resident Guardians, Administrators, and Executors.

Of service of process on non-resident guardians, executors, &c.

SEC. 22. Service of any process at law or in equity may be made by any disinterested person upon any non-resident guardian, executor, or administrator appointed or approved by any court of probate in this state, by reading such process to him, or by leaving an attested copy thereof with him or with some person, at his last and usual place of abode.

General Provisions relating to Service by Attachment.

Officer to charge for but one copy of writ, &c., when.

SEC. 23. The officer to whom a writ of attachment shall be directed, commanding therein the attachment of different kinds of property, shall be entitled to charge for only one attested copy of such writ, for any one person, with whom such copy is required to be left.

To give copy upon payment of fees.

SEC. 24. Such officer shall give to any defendant, his agent, or attorney, or any other person interested in any action in which a writ of attachment may have been served, upon his request, an attested copy thereof with his doings thereon, upon being paid therefor a fee of twenty cents for every page of two hundred words of such copy.

To set forth time of attachment in return.

SEC. 25. The officer who shall make any such attachment shall, in his return, set forth the time of the day when such attachment was made, to the end that the priority of attachment may be known.

Saving of liens, &c.

SEC. 26. Nothing herein contained shall be construed to destroy or impair any lien or claim of any person or body corporate upon any stock or shares attached under the provisions of this chapter.

SEC. 27. In case any officer shall distrain for taxes, or by any warrant of distress whatsoever, the goods and chattels of any person, he shall proceed in the same manner, and be holden to the same rules, as hereinbefore directed in attachments in civil actions.

Service of warrants of distress.

SEC. 28. No civil process whatever shall be served on Sunday, but every such service shall be utterly void.

Service on Sunday void.

CHAPTER 197.

OF CERTAIN PROVISIONS CONCERNING ATTACHMENTS.

SECTION

1. Order of satisfaction, in case of attachments.
2. Live animals and perishable goods attached, how may be disposed of.
3. Of notice of sale of, and of disposition of proceeds of.
4. Personal estate mortgaged, when and how attachable.
5. How and when may be sold.
6. Proceeds of sale of, how to be applied.
7. Of plaintiff's right to redeem.
8. Attachment of, when void.
9. Corporation served with writ attaching its stock or shares, how to account.
10. Person, copartner, or officer of corporation, so served as trustee, how to account.
11. Oath of, before whom made and where filed.

SECTION

12. Right of parties to examine person so making oath.
13. Remedy against trustee admitting property.
14. Remedy in case of several trustees.
15. Right of trustee to satisfy judgment.
16. Right of trustee to deliver specific articles.
17. Effect of such delivery.
18. Consequences of trustee's neglect to account.
19. Action, how brought, if several trustees neglect.
20. Right of trustee to answer suit in which he is served.
21. Consequences if trustee's account shows no property.
22. Of trustee's costs.
23. Word "trustee," what words deemed to include.

SECTION. 1. In all attachments of real estate, or of goods and chattels, or of personal estate in the hands of a trustee, or of stock or shares in any banking association or other incorporated company, he who shall first procure any such attachment to be made for any just debt or damages shall be entitled to have his debt or damages satisfied before any other demand for which the same may be attached, or taken by execution, at the suit of any other person; and all others in order of attachment.

Order of satisfaction in case of attachments.

SEC. 2. Whenever any officer shall attach on an original writ any live animals, or any goods or chattels which are liable to perish or waste, or to be greatly reduced in value by keeping, or which cannot be kept without great and disproportionate expense, the court in which the same may be pending, in term time, or either of the justices of the supreme court, in vacation, may, on the written application of any person interested in such property, cause the defendant and the attaching creditor, their attorneys or agents, to be notified to appear at a time and place appointed for that purpose, to show cause why the same should not be sold.

Live animals and perishable goods attached, how may be disposed of.

Of notice of sale of, and of disposition of proceeds of.

SEC. 3. If, after reasonable notice, no person appear, or no sufficient cause to the contrary be shown, the court or justice may direct the officer to sell the same, in the manner prescribed by law for selling goods and chattels on execution; and such officer shall hold the proceeds of such sales, after deducting therefrom the necessary charges thereof, as security to satisfy such judgment as the attaching creditor may recover, in the same manner as if he held the property itself.

Personal estate mortgaged, when and how attachable.

SEC. 4. Personal estate, when mortgaged and in the possession of the mortgagor, and while the same is redeemable at law or in equity, may be attached on mesne process against the mortgagor, in the same manner as his other personal estate.

How and when may be sold.

SEC. 5. When attached, such mortgaged estate may be sold, upon the application of the mortgagee, or of either of the parties to the suit, in the manner provided for the sale of perishable goods and chattels when attached on mesne process.

Proceeds of sale of, how to be applied.

SEC. 6. Upon any such sale, the attaching officer shall first apply so much of the proceeds of the sale as may be necessary to pay the amount for which the said property was mortgaged, with such deduction for interest for the anticipated payment, or allowance for damages for such anticipated payment, as may be allowed by the court or judge directing the sale; and the officer shall hold only the balance, for the purposes of the attachment.

Of plaintiff's right to redeem.

SEC. 7. The plaintiff in any such attachment may redeem the mortgaged estate in the same manner as the mortgagor might have done; and in case of such redemption, the plaintiff shall have the same lien on the property for the amount paid by him, with interest, as the mortgagor had.

Attachment of, when void.

SEC. 8. If the mortgage be not redeemed by the plaintiff, or sold as before mentioned, before the redemption expires, the attachment shall become void.

Corporation served with writ attaching stock or shares, how to account.

SEC. 9. Whenever any banking association or incorporated company shall be served with a copy of a writ attaching its stock or shares, if a bank, the cashier thereof, if an insurance company, the president or secretary thereof, and if any other corporation, the treasurer thereof, or person executing the duties of treasurer, shall render an account upon oath, to the court to which such writ shall be returnable, of what stock or shares the defendant had in such company at the time of the serving such writ.

Person, copartner, or officer of corporation so served as trustee, how to account.

SEC. 10. The person, member of the copartnership, or officer of the corporation with whom a copy of a writ shall have been left for the purpose of attaching the personal estate of the defendant in the hands or possession of such person, copartnership, or corporation as trustee, shall render an account in writing upon oath, to the court to which such writ is returnable, of what estate such person, copartnership, or corporation had in his hands or possession at the time such writ was served, if any, or if he had none either directly or indirectly, shall return such fact in writing under oath to such court.

Oath of, where made and filed.

SEC. 11. The disclosure made by virtue of either of the two preceding sections shall be sworn to, before any person authorized to administer oaths, and shall be filed with the clerk of the court, if there be a clerk, otherwise with the court to which such writ shall be returnable.

Right of parties to examine person so making oath.

SEC. 12. Either party may examine the person so making oath, upon written interrogatories, to be filed with such clerk, or court, if there be no clerk; and such person, after having been furnished with a copy of such interrogatories, shall answer the same responsively in

writing under oath, administered as aforesaid, and shall return the answer to such clerk, or to such court, if there be no clerk, at such time as such court may, by general rule, or by special order in such case, direct.

SEC. 13. If it shall appear by the disclosure of the person making such oath that the person, copartnership, or corporation served with a copy of such writ, had at the time of service thereof any of the personal estate of the defendant in his or their hands, then and in such case the plaintiff, after having recovered judgment against such defendant, may bring his action against such person, copartnership, or corporation, to recover so much as will satisfy such judgment, with interests and costs, if there shall appear by such disclosure to be a sufficiency for the same; otherwise, for so much as shall appear by the same to be in his hands.

Remedy against trustee admitting property.

SEC. 14. Whenever it shall appear that several persons, copartnerships, or corporations had property of the defendant as such trustee, the plaintiff may sue each separately, and recover the amount in his hands, until such plaintiff shall receive full payment of his judgment against the original defendant, with interest and costs.

Remedy in case of several trustees.

SEC. 15. Any trustee, after final judgment against the defendant, may satisfy such judgment or any part thereof, to the amount of the estate attached in his hands, before any suit shall be brought against him therefor; and such payment shall avail for his discharge, as against both plaintiff and defendant, for the amount thereof.

Right of trustee to satisfy judgment.

SEC. 16. If it shall appear by the disclosure that the personal estate in the hands of the trustee belonging to the defendant did not consist of money, but of one or more specific articles, such trustee may, after final judgment shall have been rendered against the defendant, surrender or deliver to the officer charged with the execution issued on such judgment such specific articles, that the same may be taken on such execution.

Right of, to deliver specific articles.

SEC. 17. Such surrender or delivery shall be a good discharge to the trustee for such articles, as to both plaintiff and defendant in the action.

Effect of delivery.

SEC. 18. If any person, copartnership, or corporation, after being served as trustee with a copy of any writ, and after having been tendered at the time of such service, or previous to or during the sitting of the court, two dollars and his travelling fees as a witness in the supreme court or court of common pleas, and one dollar and like travelling fees in any other court, shall neglect or refuse to render such an account on oath as aforesaid, of what personal estate of the defendant he had in his hands at the time of the service of such copy, such trustee shall be liable to satisfy the judgment that the plaintiff shall obtain against the defendant in such writ, to be recovered by special action on the case.

Consequences of trustee's neglect to account.

SEC. 19. If several trustees shall neglect or refuse to render an account upon oath in the same case, then the plaintiff shall bring his action against all such trustees jointly, and in no other manner.

Action, how brought against several trustees.

SEC. 20. Every trustee who shall be served with such copy of a writ against any defendant, shall have liberty to file an answer to such action, and defend the suit in behalf and in the name of the defendant.

Right of trustee to defend, &c., suit.

SEC. 21. If it shall appear by such disclosure that the person, copartnership, or corporation who had been served as trustee with a copy of such writ had not any of the personal estate of the defendant in his hands, then such action shall be dismissed, and the person

Consequences, if trustee's account shows no property.

Of trustee's costs.

who shall appear to defend the same shall recover his costs, unless the writ has been duly served on the defendant.

SEC. 22. Every person, copartnership, or corporation served with a copy of a writ for attaching the estate of another in their hands shall be paid all lawful costs and charges which they shall be at, in consequence of their being served with such writ of attachment, by the person who brings the action; and so much of such charge as shall be judged reasonable by the court before whom the cause shall be pending shall be allowed in the bill of costs.

What included in word "trustee."

SEC. 23. The word "trustee," wherever occurring in this title, shall be deemed to include the words "attorney, agent, factor, and debtor."

CHAPTER 198.

OF EXEMPTIONS FROM ARREST AND FROM ATTACHMENT.

SECTION

1. Females not subject to arrest, when.
2. Voters exempted, when.

SECTION

3. Military officers and privates, when.
4. Property exempted from attachment.

Female not subject to arrest, when.
Voters exempted, when.

SECTION 1. No female shall be arrested on original writ in any action founded on contract.

SEC. 2. No person entitled to vote shall be liable to arrest upon any civil process on the days of election for the choice of city or town officers, of state officers, representatives to congress, or of electors of president and vice-president of the United States, or on the day preceding, or on the day following, such election.

Military officers and privates, when.

SEC. 3. No officer, non-commissioned officer, or private shall be arrested on civil process, while going to or coming from, or remaining at any place which he shall have been ordered to attend, for the election of any military officer, or the performance of any military duty.

Property exempted from attachment.

SEC. 4. The following goods and property shall be exempted from attachment on any warrant of distress, or any other writ, original, meane, or judicial:—

Wearing apparel;
working tools;
household furniture, &c.;

1. The necessary wearing apparel of a debtor, or of his family, if he have a family.

2. The working tools of a debtor necessary in his or her usual occupation, not exceeding in value the sum of two hundred dollars.

3. The household furniture and family stores of a housekeeper, in the whole, including beds and bedding, not exceeding in value the sum of three hundred dollars.

books;

4. The bibles, school, and other books in use in the family, not exceeding in value the sum of three hundred dollars.

cow, hay;

5. One cow, and one and a half tons of hay, of a housekeeper.

hog, pig, &c.;

6. One hog and one pig, and the pork of the same, when slaughtered, of a housekeeper.

military equipments, &c.;

7. The uniform, arms, ammunition, and equipments of every officer, non-commissioned officer, and private in the militia; and the arms, ammunition, and equipments of any person, which are kept for use, and not for sale.

- 8. The debtor's interest in one pew, in any church or meeting-house, in which he or his family usually worship. pew;
- 9. The debtor's interest in one lot, or right of burial, as the case may be, in any cemetery. burial lot;
- 10. Mariners' wages, until after the termination of the voyage in which such wages shall have been earned. mariners' wages;
- 11. Debts secured by bills of exchange or negotiable promissory notes. debts secured by notes, &c.;
- 12. The salary or wages due or payable to any debtor not exceeding the sum of ten dollars, except when the cause of action is for necessaries furnished the defendant. wages, except, &c.;
- 13. Such other property, real, personal, or mixed, in possession or action, as is or shall be exempted from attachment and execution, either permanently or temporarily, by general or special acts, charters of incorporation, or by the policy of the law. general provisions.

TITLE XXVII.

OF PROCEEDINGS IN COURTS.

- CHAPTER 199. Of entering actions and appeals, and of amendment and abatement.
- CHAPTER 200. Of the discontinuance of actions.
- CHAPTER 201. Of pleadings, tender, and set-off.
- CHAPTER 202. Of trials.
- CHAPTER 203. Of views, witnesses, depositions, and evidence.
- CHAPTER 204. Of referees, auditors, and masters in chancery.
- CHAPTER 205. Of judgments, and of interest on judgments, verdicts, awards, and reports.
- CHAPTER 206. Of costs, double costs, and double interest, and of taxation of costs.
- CHAPTER 207. Of appeals in civil cases at common law, and of neglect to prosecute the same.
- CHAPTER 208. Of appeals from justice courts in criminal cases.
- CHAPTER 209. Of taking questions of law, in cases civil and criminal, to the supreme court.
- CHAPTER 210. Of new trials.

CHAPTER 199.

OF ENTERING ACTIONS AND APPEALS, AND OF AMENDMENT AND ABATEMENT.

- | SECTION | SECTION |
|--|--------------------------------|
| 1. Actions and appeals, when to be entered in supreme court and court of common pleas. | 2. Of special leave to enter. |
| | 3. Entry, what. |
| | 4. Defects of form, effect of. |

SECTION

5. Power of courts to amend.
6 and 7. Proceedings in case a defendant partner not served.
8. Judgment, in case person summoned be not partner.

SECTION

9. Effect of death of one of two or more plaintiffs or defendants, when suggested.

Actions and appeals, when to be entered.

SECTION 1. All actions and appeals shall be entered in the supreme court and court of common pleas, on the first or second days of the term, and not afterwards, without special leave of the court.

Of special leave to enter.

SEC. 2. Such leave may be granted in case the party whose duty it was to enter the action or appeal was prevented from so doing by accident, mistake, or misfortune.

Entry, what.

SEC. 3. No action or appeal shall be deemed to be entered, until the necessary papers are filed with, and the legal entry paid to the clerk.

Defects of form, effect of.

SEC. 4. No summons, writ, declaration, return, process, judgment, or other proceeding in civil causes, in any of the courts, shall be abated, arrested, quashed, or reversed for any defect or want of form; but the courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration, or other pleadings, return, process, judgment, or proceeding whatsoever.

Power of courts to amend.

SEC. 5. The courts, respectively shall and may, from time to time, amend all and every such imperfections, defects, and want of form, and may, at any time, permit either of the parties to amend any defect in the process or pleadings, upon such conditions as such courts respectively shall, in their discretion, or by general rule, prescribe.

Proceedings in case a defendant partner not served.

SEC. 6. If any writ or process shall be brought against any trading or manufacturing company, not incorporated, which shall not be served on all the partners, or in which the name of any partner shall be omitted, the court, on motion of any person, party thereto, may, and in case the same be pleaded shall, issue a summons to the partner omitted or not served, if within this state; such motion or plea being accompanied with an affidavit of the person making the same.

Same subject.

SEC. 7. Such omitted partner, being served with such summons twenty days at least before trial, shall be deemed to be a party to the suit, to all intents and purposes, and the writ and declaration shall be amended accordingly; and such partner may file his plea in said action at any time within said twenty days, or after that time, by leave of court, upon cause shown.

Judgment, in case person summoned be not partner.

SEC. 8. If it shall be found that the party summoned was not a partner with the original defendants, the court shall render judgment against the party summoning him, in favor of such party for his costs, and in favor of the plaintiff against the original defendants for the damages or debts proved, with costs, unless such party summoned was made party on motion of the plaintiff; in which case judgment shall be rendered in favor of all the defendants for their costs against the plaintiff.

Effect of death of one of two or more plaintiffs or defendants, when suggested.

SEC. 9. If there shall in any case be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated, but such death being suggested upon the record, the action

shall proceed at the suit of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

CHAPTER 200.

OF THE DISCONTINUANCE OF ACTIONS.

SECTION

1. Right of plaintiff to discontinue action.

SECTION

2. Duty of clerk to enter same discontinued.

SECTION 1. The plaintiff in any civil suit or action, in which process has been returned to the supreme court or court of common pleas, may discontinue the same by filing in the office of the clerk of such court a written notice of the discontinuance, signed by himself or by his attorney, and stating therein the action discontinued and the time of discontinuance; and if the suit or action shall have been answered, a copy of such notice shall be given immediately to the defendant or his attorney of record, and no costs accruing after such notice shall be taxable for the defendant.

Right of plaintiff to discontinue action.

SEC. 2. The clerk of the court shall enter the action or suit, if discontinued in vacation, upon the docket of the court at its next term, in the same manner as if it had not been discontinued, with a minute of the discontinuance, and the time thereof.

Clerk to enter same discontinued.

CHAPTER 201.

OF PLEADINGS, TENDER, AND SET-OFF.

SECTION

1. Declaration, when and where to be filed.
2. Pleas, when and where to be filed.
3. Of special leave to file pleas.
4. Of filing pleas in civil actions appealed from justice courts.
5. Pleas of absent defendants in case of attachment of real estate, or of foreign attachment, when to be filed.
6. Of notice by defendant in actions of libel and slander that he will prove truth, &c.
7. Of double pleas and replications.
8. Of plea of payment in debt on

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- bond, or in debt or *scire facias* on judgment.
9. Of plea of payment of debt on bond after day.
10. Of disclaimer and tender in court, and of amends.
11. Effect of receipt of tender in part satisfaction only.
12. Of filing account of particulars.
13. Of filing account in set-off.
14. Of set-off.
15. Statement of demands in set-off, when to be filed, and of judgment in case of set-off.

SECTION 1. In any civil action originally brought in the supreme court or court of common pleas, except in a special court of common pleas, the plaintiff shall declare therein and file his declaration in the

Declaration, when and where to be filed.

- clerk's office of the court, twelve days before the sitting of the court to which the writ in such cause or suit is returnable.
- Plea, when.** SEC. 2. The defendant shall file his plea or answer with the clerk six days before the sitting of the court, or judgment shall pass against him as for a default.
- Of special leave to file pleas.** SEC. 3. The court may, for cause shown, permit the defendant, on the first or second day of the term, to file his plea or answer in court, upon such terms and conditions as the court may prescribe.
- Of filing, in actions appealed from justice courts.** SEC. 4. The defendant in a civil action appealed from the judgment of a justice court may file any plea or answer therein other than a plea of abatement, on or before the second day of the term of the court at which such appeal is entered.
- Pleas of absent defendants, in case of attachment of real estate, &c., when to be filed.** SEC. 5. In case any action commenced by attachment of real estate or by foreign attachment shall not be answered, and the defendant shall not return into this state before the return of the writ, the court shall continue the action one term, and the defendant shall have a right to answer the same six days previous to the term to which such action shall be continued, or may be permitted to answer the same on the first or second day of said term, in like manner as is provided in the next preceding section.
- Of notice by defendant in libel or slander, that he will prove truth, &c.** SEC. 6. In every action for libel or slander, the defendant may, with his plea of not guilty, file a written notice that he will prove the truth of the publication charged as libellous, or of the words charged as slanderous, and in such case may, upon the trial, give the truth in evidence, which evidence shall be deemed a sufficient justification, without any special plea of justification.
- Of double pleas and replications.** SEC. 7. Any defendant in any action or suit, and any plaintiff in replevin, may in any court, with leave of such court, plead as many several matters thereto as he shall think necessary to his defence; and, with like leave, any plaintiff may reply as many several matters to the defendant's plea or pleas as he shall think necessary.
- Of plea of payment in debt on bond, or judgment, &c.** SEC. 8. Whenever any action of debt shall be brought upon any bond without condition, or whenever an action of debt or writ of *scire facias* shall be brought on any judgment, if the defendant has paid the money due upon such bond or judgment, such payment may be pleaded in bar of such action or suit.
- Of plea of payment of debt on bond after day.** SEC. 9. Whenever any action of debt shall be brought upon any bond which has a condition or defeasance to make void the same upon the payment of a less sum at a day or place certain, if the obligor, his heirs, executors, or administrators have, before the action brought, paid to the obligee, his executors, or administrators, the principal and interest due by the defeasance or condition of such bond, though such payment was not made strictly according to the condition or defeasance, yet it shall and may, nevertheless, be pleaded in bar of such action; and shall be as effectual a bar thereof as if the money had been paid at the day and place, according to the condition or defeasance, and had been so pleaded.
- Of disclaimer and tender in court, and of amends.** SEC. 10. The defendant in every action of debt, action of covenant, and in every action on the case grounded on an express or implied contract, in every action of trespass for breaking and entering the plaintiff's close, wherein the defendant shall, in his plea, disclaim all right, title, and interest in and to the said close, and in every action of trespass or trespass on the case for any injury done to personal property, or of trover, that may be pending before any court, shall have right to make and plead a tender; or may have leave to bring into court the money which he shall acknowledge to be due on such

contract, or sufficient amends for such trespass or injury, together with the plaintiff's lawful costs expended up to the time of the tender made or pleaded, or the bringing of the money into court; and the plaintiff shall have a right to take the same in full or in part satisfaction of the demand made in such suit.

SEC. 11. If the plaintiff, in either of the above cases, shall receive the same in part satisfaction only, and shall proceed further in the same suit, and the court or jury who shall finally assess the damages in such case shall determine that no more was due on the demand made in such suit than was tendered or brought into court as aforesaid, at the time the same was tendered or brought in, the plaintiff shall not recover costs, but shall be obliged to pay the defendant his costs, after such tender or after the money was brought into court as aforesaid, as the case may be.

Effect of receipt of tender in part satisfaction only.

SEC. 12. Whenever an action shall be brought to recover a debt due on any book account, the plaintiff shall annex to his declaration, on filing the same, an account of particulars.

Of filing account of particulars.

SEC. 13. The defendant in such case, and also in all actions on an account stated by the parties, a *quantum meruit*, *quantum valebat*, or for goods sold, or for services done at an agreed price, may plead the general issue, and may file any account he hath with his said plea; and the court or jury who shall assess the damages in such case shall determine the balance due to either party; and the party in whose favor the balance shall be found shall recover judgment therefor, together with his costs, and shall have execution accordingly.

Of filing account in set-off.

SEC. 14. If any defendant shall have a demand on the plaintiff for any sum liquidated, or for one which may be ascertained by calculation, and which is founded on a judgment, or upon an account, or upon any contract, whether express or implied, and whether with or without a seal, and which existed at the time of the commencement of the action and then belonged to the defendant in his own right, and for which he might maintain a suit in his own name, he may set off the same in any action founded upon any demand which could itself be set off.

Of set-off.

SEC. 15. To entitle the defendant to a set-off, he shall file a statement of his demands in court, or in the clerk's office, at the term in which the action is entered, on or before the second day of said term, or within such further time as the court shall allow, and shall set forth his demands with as much certainty as would be required in a declaration; and the court in which the action may be pending may render judgment for the defendant, for the balance due to him, with costs.

Statement of demands in set-off, when to be filed, and of judgment in case of set-off.

CHAPTER 202.

OF TRIALS.

SECTION

1. What interest in suit disqualifies judge or justice.
2. Bills and petitions in equity, where may be heard and decided.
3. Of transfer of matters in equity.

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4. Hearings before single judge, where to be had.
5. Proceedings in case of, how to be certified, and papers where to be returned.

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6. Of right to become nonsuit, or to discontinue.

7. Damages in case of judgment by default, discontinuance, sub-

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mission, or demurrer, how to be assessed.

8. Of right to waive jury trial, and be tried by court.

What interest in suit disqualifies judge.

SECTION 1. No judge of any court, or trial justice, shall sit in judgment in any cause in the event of which he is interested: *Provided*, that residence and payment of taxes in any town, or an interest in common with all the inhabitants of such town, shall not exclude a judge or justice from sitting in any cause to which such town is a party, or in which the same or the inhabitants of the same are interested, unless objection shall be made.

Bills and petitions in equity, where may be heard and decided.

SEC. 2. Bills and petitions in equity commenced in one county may be heard and decided in any other county, at the discretion of the supreme court, if in session, and in case of motions, at the discretion of a single justice in vacation; and said court shall have power to make all such rules and orders as may, in their opinion, be necessary or expedient to carry this provision into full effect.

Of transfer of matters in equity.

SEC. 3. By consent of parties, or their counsel, in writing and of record, any question of law or of fact in which jury trial shall have been waived or not demanded, in any action, suit, or other proceeding at law or in equity, may, in the discretion of the court, be heard and determined in any county; but such case shall be recorded in the county in which the same shall have been commenced.

Hearings before single judge, where to be had.

SEC. 4. In all cases in which power is conferred on a single justice of the supreme court to hear and determine on any matter, such hearing shall be, unless otherwise ordered by the justice, in the office of the clerk of the court in the county in which the same shall be heard.

Proceedings, where to be certified, &c.

SEC. 5. Such justice shall certify his proceedings to the clerk of the court in the county in which the matter or cause shall be pending, and return to him the original papers in such matter or cause, to be by him kept on file in his office.

Of right to become nonsuit, or to discontinue.

SEC. 6. The plaintiff or appellant in any cause shall not have a right to become nonsuit or to discontinue the same, in the supreme court, after the same shall be submitted to the decision of the jury; but the cause shall, in the discretion of the court, proceed, and the verdict of the jury be taken therein, whether the plaintiff or appellant shall appear or not.

Damages, how assessed in case of default, discontinuance, submission, or demurrer.

SEC. 7. In all cases in the supreme court and court of common pleas, except when otherwise provided, if judgment be rendered on default, discontinuance, submission, or demurrer, damages shall be assessed by the court, with or without the intervention of a jury, at the discretion of the court.

Of right to waive jury trial, &c.

SEC. 8. In all actions or suits, which shall be pending before any court in this state, the parties therein may waive the right of trial by jury; and in such case the court shall hear, try, and determine the said case, both as to the law and as to the facts, and render judgment therein; any law, rule, or usage to the contrary notwithstanding.

CHAPTER 203.

OF VIEWS, WITNESSES, DEPOSITIONS, AND EVIDENCE.

SECTION

- 1 and 2. Views, when to be granted, and upon what terms.
- 3. Form of subpoena to witness.
- 4 and 5. Subpoena to witness, who may issue.
- 6. Who may summon witnesses to testify before them, and compel their attendance.
- 7. Subpoena to witness, how to be served.
- 8 and 9. Witness, in what cases obliged to attend.
- 10. Liability of, to party for non-attendance.
- 11 and 12. Power to attach and fine witness for non-attendance.
- 13. Attachment of, how served.
- 14. Of discharge of witness committed upon recognizance.
- 15. Of witness' certificate of attendance.
- 16. Depositions, who may take.
- 17. Adverse party, when to be notified of taking.
- 18 and 19. Notification to, how issued, directed, and served.
- 20. Adverse party, how to be notified of taking without limits of state.
- 21. Depositions, how to be taken.
- 22. How to be returned, and obligation to give, how enforced.
- 23 and 24. Deposition, and copy of, when to be used, and when not.
- 25. Depositions, how to be taken out of the state.
- 26. Of commission to take, and when necessary.
- 27. What depositions not to be used, except, &c.
- 28. Depositions taken to be used out of state, how may be taken.
- 29. Depositions in perpetual memory,

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- who may take, and when may be used.
- 30. How taken.
- 31. How sealed up, directed, recorded, and delivered, and necessity of record, unless opened in court.
- 32. Parties, when may be witnesses, and when not.
- 33. Of mode of testifying in civil causes.
- 34. Parties, how to testify in equity causes.
- 35. Power of court or justice to order oral examination of witnesses in open court, &c.
- 36. Husband and wife, how far competent witnesses in civil causes.
- 37. Of depositions in bastardy causes.
- 38. Of the testimony of witnesses convicted of crime, &c.
- 39. Right of respondents in criminal prosecutions to testify.
- 40. Right of husband or wife of such respondent to testify.
- 41. Of proof of instruments not requiring attestation.
- 42. Of proof of genuineness of disputed writings.
- 43. Certified extracts from newspapers in cabinet of Rhode Island Historical Society, how far evidence, and fees for copies, &c.
- 44. Of power of court or justice to require a party to a suit to produce, &c., documents in his possession, upon the application of the adverse party.
- 45. Order or decree, how enforced.
- 46. Of proof required of plaintiffs in actions of ejectment and trespass, and ejectment to recover possession of lands, &c., to maintain suit.

Views.

SECTION 1. In all cases relating to the realty, either party may have the jury to view the place in question, if the court shall be of opinion that such view is necessary. Views, when to be granted :

SEC. 2. To entitle himself to such view, the party moving therefor shall advance such reasonable sum of money to the sheriff to defray the expenses of the jury on such view as the court may order; and the amount of such expenses shall be taxed against the adverse party, if he who advanced the same shall recover costs in the suit. Upon what terms.

Witnesses.

Form of subpoena to witness.

SEC. 3. The form of a subpoena to a witness shall be substantially as follows :

sc. To of greeting : —
 You are hereby required, in the name of the State of Rhode Island and Providence Plantations, to make your appearance before the court next to be holden at within and for our county of on the Monday of to give evidence of what you know relating to an action or plea of then and there to be heard and tried, betwixt plaintiff, and defendant. Hereof fail not, as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated at the day of in the year

Clerk.

Who may issue subpoenas.

SEC. 4. Clerks of courts may issue subpoenas to witnesses in all cases pending in any court.

Same subject.

SEC. 5. Auditors, referees, arbitrators, masters in chancery, and commissioners may issue writs of summons to witnesses in all cases and matters pending before them respectively; and justices of the peace may issue subpoenas to witnesses in any case civil or criminal before any court.

Who may compel the attendance of witnesses before them.

SEC. 6. Every town council, city council, board of aldermen, and school committee may, by their respective officers, summon witnesses to testify in any matter pending before them, may administer oaths to such witnesses, may compel their attendance, and punish them for non-attendance, by fine not exceeding fifty dollars.

Subpoena, how served.

SEC. 7. A subpoena to a witness shall be served by reading the same to him.

Witness, in what cases obliged to attend.

SEC. 8. Every witness who shall be duly served with a subpoena in behalf of any party to a suit or proceeding, civil or criminal, and shall have his lawful fees tendered to him for his travel from his place of abode to the place at which he shall be summoned to attend, and for one day's attendance, shall be obliged to attend accordingly.

Same subject.

SEC. 9. A witness summoned in behalf of the state shall have no right to have his fees paid or tendered to him before he shall be bound to obey the same.

Liability of, to party for non-attendance.

SEC. 10. Every witness who does not appear according to the tenor of such subpoena, having no reasonable let or hinderance to the contrary, shall be liable to the action of the aggrieved party for all damages sustained in consequence of such default.

Power to attach and fine witnesses for non-attendance.

SEC. 11. The court or justice before which any such witness is summoned to appear may, by writ of attachment, compel his attendance, fine him, not exceeding twenty dollars, and order him to pay the costs of such attachment, and to be committed to prison until such fine and costs be paid.

Power of supreme court and court of common pleas, to attach witness not attending in criminal case.

SEC. 12. Whenever any witness duly served with a subpoena to testify in any criminal proceeding, at any term of the supreme court or court of common pleas, shall neglect to appear according to the tenor of such subpoena, such court may order a writ of attachment to issue against him, returnable either at said term or the next term of the same court; and may direct the same to each and all sheriffs, deputy sheriffs, town sergeants, and constables within the state.

Attachment of, how served.

SEC. 13. If the court from which such writ of attachment issues shall not be in session at the time of the service of such writ, the officer charged with the service thereof shall commit such witness to

jail, either in the county from which the writ may issue or in which such witness may be; there to be kept, until he shall give recognizance before some magistrate of the same county, with sufficient surety, in the sum of one hundred dollars, to appear before said court on the second day of the next term thereof, which recognizance shall be returned by said magistrate unto the clerk of said court.

SEC. 14. Such witness may give such recognizance while in custody of the officer, before he is committed to jail, and thereupon the officer shall discharge him from custody.

Right of, to give recognizance, &c.

SEC. 15. Every witness, previous to his obtaining any fee, except the amount which in certain cases must be tendered to him before he can be compelled to attend, shall give a certificate to the clerk of the court or justice wherein or before whom his attendance shall be given, certifying the number of days he shall have attended, and the number of miles he shall have travelled, in pursuance of a summons issued for that purpose, which certificate shall be subject to the examination of the court or justice, and such allowance shall be made thereon as shall be lawfully due.

Of witness' certificate of attendance.

Depositions.

SEC. 16. Any justice of the supreme court, justice of the peace, or notary public may take the deposition of any witness to be used in the trial of any civil suit or action in which he is not interested, nor of counsel, nor the attorney of either party, and which shall then be commenced or pending in this state, or in any other state or government.

Depositions, who may take.

SEC. 17. Every magistrate and officer, previous to the taking of any deposition as aforesaid within this state, shall cause the adverse party, if residing in this state, or within one hundred miles of the place of caption, or, in case of his absence, his attorney known to be such, to be notified of the time and place appointed for taking the same, that he may attend and put interrogatories to the deponent if he thinks fit.

Adverse party, when to be notified of taking.

SEC. 18. The notification shall be issued by the magistrate, officer, or commissioner who shall take such deposition, and shall be directed to any proper officer, or to any impartial or disinterested person, and shall be served a reasonable time, not less than twenty-four hours, before the time of taking such deposition.

Notification to, how issued and directed.

SEC. 19. The officer, or other person, charged as aforesaid with such notification, shall serve the same by reading it to the party to be cited, if to be found, and if not to be found, by leaving a copy thereof at his usual place of abode; and shall, in his return, state the manner and time of such service; and when such service shall be made by any person other than a sworn officer, he shall verify the same under oath, before some justice or notary.

How served.

SEC. 20. In the taking of a deposition without the limits of this state, the party causing such deposition to be taken shall notify the adverse party, or his known attorney, of the time and place appointed for taking the same; and such notification, issued by any justice or notary in this state, or by the magistrate or commissioner taking such deposition, shall be served in the manner hereinbefore provided, such reasonable time before the taking of such deposition, as will give the adverse party a full opportunity to be present in person, or by attorney, and put interrogatories to the deponent, if he think fit.

Adverse party, how to be notified of taking without limits of state.

SEC. 21. Every person before deposing shall be sworn to testify

Depositions, how to be taken.

the truth, the whole truth, and nothing but the truth. He shall subscribe the testimony by him given after the same shall be reduced to writing, which shall be done only by such magistrate, officer, or commissioner taking the deposition, or by the deponent in the presence or under the direction of such magistrate, officer, or commissioner.

How to be returned, and obligation to give, how enforced.

SEC. 22. The deposition so taken shall be retained by such justice, notary, or commissioner, until he deliver the same with his own hand to the court for which it is taken, or shall, together with a certificate of its having been duly taken, be by said justice, notary, or commissioner, sealed up and directed to such court, and remain so sealed until opened by order of the court, or of some justice thereof; and any person may be compelled to appear and depose as aforesaid within this state, in the same manner as to appear and testify in court.

Deposition and copy of, when to be used.

SEC. 23. The deposition of any person taken pursuant to this chapter shall be used as evidence in the trial of any cause in which it shall have been taken to be used; and if the party that took the same shall neglect to produce or use it, the adverse party may use in such trial the original, or a copy of such deposition, certified by the magistrate before whom it was taken.

When not to be used.

SEC. 24. If any witness shall be induced to go out of this state in order that his deposition may be taken without the adverse party's having due notice, the deposition of such witness, taken by such undue means, shall not be used or admitted as evidence in any court in this state.

Depositions, how to be taken out of the state.

SEC. 25. Depositions taken without this state, to be used in the trial of any cause pending in any court in this state, shall be received as evidence: *Provided*, such depositions shall be taken with the formalities required by the law of the state or country in which the same shall have been taken, or before some commissioner appointed by the governor, or by some judge, chancellor, or other civil magistrate of such state or country, in conformity to the provisions of this chapter.

Of commission to take, and when necessary.

SEC. 26. The supreme court, or court of common pleas, or any justice court, may, on the motion of either party in any suit or proceeding, civil or criminal, pending therein, in which a deposition may be used, grant a commission to take depositions according to law whenever it may be necessary to prevent a failure or delay of justice.

What depositions not to be used, except, &c.

SEC. 27. No deposition taken within one hundred miles of the place of trial shall be used on the trial of any cause in any court in this state, which shall have been taken during the sitting of the court before which the cause may be pending, unless the same shall have been taken by order of such court.

Of taking depositions to be used out of state.

SEC. 28. Depositions may be taken in this state, to be used on the trial of any cause pending in any other state or government, by any person residing in this state to whom a commission shall be directed and sent by such court, with such formalities as shall be prescribed in such commission, or as are prescribed in this chapter.

Depositions in perpetual memory.

Depositions in perpetual memory, who may take, and when may be used.

SEC. 29. Any justice of the supreme court, or master in chancery, as well before as after the commencement of any civil suit or action, on application, may take depositions in perpetual memory; which depositions in case of the death of any deponent, his becoming *non compos mentis*, his absence from this state, or inability to attend, may

be used as evidence in any court in this state against any person who shall have had due notice of the taking of such deposition, his heirs, executors, administrators, or assigns.

SEC. 30. The same formalities shall be observed in the taking of depositions in perpetual memory, as in the taking of other depositions. How taken.

SEC. 31. The justice or master taking such deposition shall seal up and direct the same to the clerk of the supreme court in the county in which some one of the persons notified of the taking of the same shall reside; which clerk, on receiving such deposition so directed and sealed up, upon payment of legal fees for recording as in other cases, shall open and record the same, and the certificate of the caption thereof, in a book to be specially kept for that purpose; noting on such deposition the time when he received it, and the page of the book in which it is recorded; after which he shall deliver the original deposition to the party who took it; and no such deposition, not so recorded, shall be received as evidence in any court in this state, unless the same shall be opened in such court. How sealed up, directed, recorded, and delivered, and necessity of record, unless opened in court.

Certain provisions respecting evidence.

SEC. 32. No person shall be disqualified from testifying in any action at law, suit in equity, or other proceeding at law or in equity, by reason of his being interested therein, or being a party thereto: *Provided*, that when an original party to the contract or cause of action is dead, or when an executor or administrator is a party to the suit, the other party may be called as a witness by his opponent, but shall not be admitted to testify upon his own offer, or upon the call of his co-plaintiff or co-defendant, otherwise than now by law allowed, unless a nominal party merely. Parties, when may be witnesses and when not.

SEC. 33. In every civil action or civil proceeding at law, a party thereto, or any other person, may testify by deposition or orally in court, except as otherwise in this chapter provided. Of mode of testifying in civil causes.

SEC. 34. In every suit or other proceeding in equity, a party thereto shall testify only by deposition, except in the trial of an issue of fact to the jury, when he may testify by deposition or orally in court. In such suit or proceeding, either party may summon or permit the other to testify orally in court, and other persons shall testify therein by deposition, unless otherwise ordered by the court in session, or by a justice thereof in vacation. Parties, how to testify in equity causes.

SEC. 35. The court, or any justice thereof, may order the oral examination of witnesses in open court in any matter, and may appoint some suitable person to report the testimony of such witnesses. The expense of such report shall be paid in the first instance by the party introducing the evidence, and shall constitute a part of the taxable costs in such cases. Of oral examination of witnesses in open court, &c.

SEC. 36. In the trial of every civil cause, except a petition for divorce, the husband and wife of either party shall be deemed competent witnesses: *Provided*, that neither shall be permitted to give any testimony tending to criminate the other, or to disclose any communication made to him or her, by the other, during their marriage. Husband and wife, how far witnesses in civil causes.

SEC. 37. Depositions taken in conformity to the provisions of this chapter may be used in the trial of any bastardy case. Of depositions in bastardy causes.

SEC. 38. No person shall be deemed an incompetent witness because of his conviction of any crime or sentence to imprisonment therefor, but shall be admitted to testify like any other witness, except. Of the testimony of witnesses convicted of crime, &c.

cept that such conviction or sentence may be shown to affect his credibility.

Respondents in criminal prosecutions may testify.

SEC. 39. No respondent in a criminal prosecution, offering himself as a witness, shall be excluded from testifying because he is such respondent, and the neglect or refusal so to testify shall create no presumption against him.

Husband or wife of such respondent may testify.

SEC. 40. The husband or wife of any respondent in a criminal prosecution, offering himself or herself as a witness, shall not be excluded from testifying therein because he or she is the husband or wife of such respondent.

Of proof of instruments not requiring attestation.

SEC. 41. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission or otherwise, as if there had been no attesting witness thereto.

Of proof of genuineness of disputed writings.

SEC. 42. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury, as evidence of the genuineness or otherwise of the writing in dispute.

Newspapers in cabinet of R. I. Historical Society, how far evidence, and fees for copies, &c.

SEC. 43. In all courts of law, and before all tribunals, a copy of any newspaper or extract of any newspaper contained in either of the bound volumes deposited with the Rhode Island Historical Society for the northern district, or with its cabinet keeper, under the provisions of chapter nineteen, sections ten and eleven, certified by the said cabinet keeper, shall be of equal value with the paper itself; and said cabinet keeper shall be entitled to the same fees for copies and certificates as are allowed by law therefor to town clerks.

Of power of court or justice to require production, &c., of documents, upon application of adverse party.

SEC. 44. Whenever either party to any proceeding at law or equity in the supreme court, or to any proceeding at law in the court of common pleas, shall set forth in writing, under oath, upon his knowledge or belief, that the opposite party is in the possession or control of some document to which the applicant is entitled, such court or a justice may order such opposite party, or if the same be a body corporate, then some officer thereof, to make answer on oath, at or before a time to be fixed in said order, as to what document he so has, relating to the matter in dispute between the parties, or what he knows as to the custody of such document, and if in his possession or control, whether he objects to the production of the same, and the grounds of such objection, and thereupon such court or justice may require the production of said document, or may compel the party having the same in his possession or control to allow the applicant to inspect the same, and if necessary, to take examined copies of the same, and may make such further order thereon as shall be just.

Order or decree, how enforced.

SEC. 45. The court or justice making such order or decree may enforce the same in like manner as if made in a suit in equity.

Of proof by plaintiffs, in actions of ejectment, &c., to recover lands, &c.

SEC. 46. In actions of ejectment, and trespass and ejectment to recover possession of lands, tenements, or hereditaments, the plaintiff shall not be required to prove an actual entry under his title, but if he proves that he is entitled to such an estate as he claims in the premises, whether as heir, devisee, purchaser, or otherwise, and also that he has a right of entry therein, this shall be deemed sufficient proof of his seizin as alleged in his declaration; but no such action shall be maintained unless the plaintiff has, at the time of commencing the same, a right of entry into the premises.

CHAPTER 204.

OF REFEREES, AUDITORS, AND MASTERS IN CHANCERY.

SECTION

- 1. Of rule for reference of suit, in supreme court and court of common pleas.
- 2. Of rule, where no suit.
- 3. Agreement of parties as to, conclusive.
- 4. Power to discharge or recommit rule.
- 5 and 6. Of petition for rule in vacation, and proceedings on, and report.
- 7. Of referring case before a justice court.
- 8. Of referee's oath.
- 9. Power of referees and arbitrators to administer oaths and summon witnesses.

SECTION

- 10. Auditors, when may be appointed.
- 11. Duties of auditors.
- 12. Of proceedings *ex parte*, when.
- 13. Of filing exceptions to report of.
- 14. Of statement of costs to be filed by, and compensation of, auditors.
- 15. Power of court to discharge auditors, and to recommit report.
- 16. Proceedings upon reception of report; jury trial, when may be demanded; effect of report in, &c.
- 17. Masters in chancery, how many and by whom appointed.
- 18. Power of masters in chancery, auditors, and referees, to issue writs of protection.

SECTION 1. The supreme court and court of common pleas may permit the parties in any suit pending in said courts respectively, to enter into a rule of such court to refer such suit to the decision of one or more referees, to be agreed upon by the parties; and also to refer in the same rule any other actions or causes of action that may subsist between them, either jointly or severally, generally or specially.

Of rule for reference of suit, in supreme court and court of common pleas.

SEC. 2. Though no suit be brought, said courts shall have power to permit any persons who may have causes of action subsisting between them, to enter a rule of said court, to refer the same to a decision of a referee or referees as aforesaid, generally or specially.

Of rules where no suit.

SEC. 3. The parties to any rule may agree upon the time and manner of making report and of issuing execution on the judgment that may be rendered thereon, conforming to law; and every such agreement, made in manner aforesaid, shall be conclusive upon the parties; and the court shall render judgment upon the report of the referees conformable thereto, and issue execution accordingly.

Agreement of parties as to, conclusive.

SEC. 4. The court may at any time, in their discretion, or on motion of either party, discharge a rule or recommit a rule and report to the same referees; but a rule shall remain in full force until so discharged, and shall be so continued from term to term until report shall be made thereon.

Power to discharge or recommit rule.

SEC. 5. Any persons having any action or cause of action subsisting between them may file with the clerk of the supreme court or court of common pleas in the county where either or all of them reside, in the vacation of the said courts, a petition setting forth said facts, and that they have mutually agreed to refer the same to the decision of certain persons named therein as referees; whereupon the clerk shall enter such petition on the docket of the business of said court for the next term, make out a writ to such referees, and annex thereto or embody therein such petition, which shall authorize them to hear and determine such dispute, with the same powers, and

Of petition for rule in vacation, and proceedings on.

- in the same manner and with the same effect, as though such petition had been filed in open court.
- Of report upon.** SEC. 6. The report of referees made under a petition and rule entered in vacation shall be made to the next or some other term of the court in which the same are entered; and the court shall have the same power over a petition and rule so entered as if entered in open court.
- Of referring case before a justice court.** SEC. 7. The parties to any suit that may be pending before any justice court shall have a right to enter into a rule to refer the same, and to include therein any other demands between them, not exceeding in the whole on either side the amount of one hundred dollars, and in which the title to real estate shall not be concerned; and every justice court shall have like power, and similar proceedings shall be had thereon, as are given and prescribed in this chapter respecting rules that may be entered in the supreme court and court of common pleas.
- Of referee's oath.** SEC. 8. Every referee, before he proceeds to the business of the reference, shall take an oath faithfully and impartially to hear and examine the cause, and make a true and just report, according to the best of his skill and understanding; which oath may be taken before any judge of any court of record, or any justice of the peace or notary public.
- Power of referees and arbitrators to administer oaths and summon witnesses.** SEC. 9. Referees and arbitrators shall have power to administer oaths to all witnesses in any matter tried before them, and shall also have power to compel the attendance of witnesses before them, in the same manner and by a similar process as courts of record are authorized to compel the attendance of witnesses; and any summons for witnesses may be issued and signed by any one referee or arbitrator, or by the clerk of the court from which the rule is issued.
- Auditors, when may be appointed.** SEC. 10. Whenever a cause is at issue in the supreme court or court of common pleas in any way involving accounts, the court may appoint one or more auditors, to hear the parties, examine their vouchers and evidence, state accounts, and report upon such matters therein as may be ordered by the court.
- Duties of auditors.** SEC. 11. The auditor or auditors, after being sworn to a faithful and impartial discharge of his or their duties, shall notify the parties of the time and place of their meeting, and may adjourn from time to time as may be necessary; and if there be more than one auditor, all shall meet and hear the cause, but the report of a majority shall be valid.
- Of proceedings *ex parte*, when.** SEC. 12. If the plaintiff or defendant shall unreasonably refuse or neglect to appear at the time and place appointed for the hearing, the auditors may proceed with the cause, and report *ex parte*.
- Of filing exceptions to report of.** SEC. 13. The parties to such action shall be allowed two days after the coming in of the report, and such further time as the court may allow for cause shown, to examine the same and file their exceptions thereto.
- Of costs, and of compensation of auditors.** SEC. 14. The auditors shall file with their report a statement both of the plaintiff's and defendant's costs, and the party prevailing in the cause shall recover his costs; and the court shall award such reasonable compensation to the auditors as shall seem just, to be paid by the parties as the court shall direct.
- Court may discharge auditors and recommit report.** SEC. 15. The court may, for cause, discharge the auditors and appoint others, or fill vacancies; and may recommit the report for revision or further examination to the same or to other auditors.
- SEC. 16. The court upon the reception of the report, if no legal

cause be shown against the allowance of the same, shall render such judgment thereon as to right and justice shall appertain; such judgment shall be final, unless within two days thereafter the plaintiff or defendant shall, in writing, file with the clerk of the court in which said cause is pending a demand for a jury trial thereof; in which trial the report shall be *prima facie* evidence upon such matters only as are embraced in the order: *Provided*, that neither party shall have a second jury trial of such action without cause.

Proceedings upon reception of report; jury trial, when may be demanded; effect of report in, &c.

SEC. 17. The supreme court shall appoint in each county one or more standing masters in chancery, to hold office during the pleasure of the court; and may make all such rules and orders with regard to proceedings by and before such masters, their reports, and exceptions to, and hearings on the same, as to them shall seem expedient.

Masters in chancery, how many, and by whom appointed.

SEC. 18. Masters in chancery, auditors, and referees, duly appointed, shall have the same power to issue writs of protection to parties and witnesses in matters pending before them, as is possessed by the courts from which they derive their appointment; and the signing of such writs by any one master, auditor, or referee, who has been duly sworn, shall be sufficient.

Power of masters, auditors, and referees to issue writs of protection.

CHAPTER 205.

OF JUDGMENTS, AND OF INTEREST ON JUDGMENTS, VERDICTS, AWARDS, AND REPORTS.

SECTION

1. Judgment of court, when to be entered, and time of, how noted.
2. In actions for breach of bond or for penalty of agreement, judgment how to be entered.
- 3, 4, and 5. Execution in such case, for how much, and how to issue.

SECTION

6. Action for covenant broken in such case, saved.
7. Judgment in ejectment on mortgage, what.
8. Of set-off of judgments.
9. Of interest on judgments.
10. Of interest on verdicts, awards, and reports of masters in chancery and auditors.

SECTION 1. Every judgment shall be entered as of the last day of the term in which it is rendered, unless there be an express order of the court for the entry thereof on some other day; in which case the day shall be noted by the clerk on his docket.

Judgment, when to be entered; time of, how noted.

SEC. 2. In all actions brought for the breach of the condition of a bond, or to recover a penalty for the non-performance of any covenant, contract, or agreement, when it shall appear by verdict, default, submission, or otherwise, that the condition is broken or the penalty forfeited, judgment shall be entered in the common form for the penal sum, but no execution shall issue thereon, except as is provided in the two following sections.

Judgment, how to be entered in action on bond, &c.

SEC. 3. The court shall award an execution in such case for so much of the penal sum as shall then be due and payable in equity and good conscience, for the breach of the condition, or other non-performance of the contract, which sum shall be ascertained and determined by the court, unless either party shall move to have it assessed by a jury, or unless the court shall think it proper to have

Execution in such case, for how much, and how to issue.

the question so decided; in which case the sum so due shall be assessed by a jury.

Same subject.

SEC. 4. If any further sum shall afterwards become due on such bond or other contract, the plaintiff, or his executor or administrator, may have a *scire facias* on the judgment from the court in which it was rendered against the original defendant, or his executors, administrators, heirs, devisees, or assigns, as the case may be, suggesting such further breaches of the contract as shall have occurred, and summoning the adverse party to show cause why execution should not be awarded upon the judgment, for the damages caused by such further breaches.

Same subject.

SEC. 5. The sum due in such suit shall be assessed and determined in the same manner as in the original suit, and execution shall be awarded accordingly, and the like proceedings may be repeated upon occasion of any further breaches of the same contract, as often as they shall occur, until the whole of the penalty is exhausted.

Action for covenant broken in such case, saved.

SEC. 6. Nothing herein contained shall prevent any person from bringing an action for the breach of any covenant or other contract, instead of suing for the penalty by which the performance of the covenant or contract may have been secured.

Judgment in ejectment on mortgage, what.

SEC. 7. In every action of ejectment, or trespass and ejectment, for possession of any real estate mortgaged, in which the defendant by his plea shall aver a right of redemption in himself or in the person under whom he claims, which averment shall not be traversed by the plaintiff, or if traversed shall be found true, the court before which the same shall be pending shall, by themselves or by one or more judicious and disinterested men by them appointed, ascertain, according to the rules of equity, the just sum due on such mortgage; and shall thereupon render a conditional judgment, that if the mortgagor, his heirs, executors, administrators, or assigns shall pay unto the plaintiff in such action, or deposit in the clerk's office for him, the sum adjudged due as aforesaid, within two months from the time of entering up judgment, with interest, then the mortgage or deed operating as such shall be void and discharged, otherwise that the plaintiff shall have his writ of possession.

Of set-off of judgments.

SEC. 8. Whenever any court shall, at the same term, render final judgment for debts or damages in two or more personal actions, in which the parties shall be reversed, and shall sue and be sued in the same right and capacity, such court shall set off the debts or damages recovered in such judgments, and shall issue execution for the balance only, in favor of the party to whom it shall be due, with costs, if costs were recovered, and for costs only, if no balance upon such set-off be left; and a separate execution shall be issued in favor of the other party for costs, if costs were recovered by him.

Of interest on judgments.

SEC. 9. Every judgment for debt or damages shall draw interest on such debt or damages, from the time of its rendition to the time of its discharge.

Of interest on verdicts, awards, and reports of masters in chancery and auditors.

SEC. 10. Verdicts, awards of referees, and reports of masters in chancery, or of auditors ascertaining amounts due from party to party by way of debt or damages, shall, if, and in so far as confirmed by judgment or decree, draw interest on such debt or damages; if a verdict, from the time the same is rendered, and if an award, report, from the time the same is dated or made up: *Provided*, there be nothing in the verdict, award, or report to the contrary thereof, or plainly inconsistent therewith.

CHAPTER 206.

OF COSTS, DOUBLE COSTS, AND DOUBLE INTEREST, AND OF TAXATION OF COSTS.

SECTION

1. In general, prevailing party recovers.
2. Of costs in actions of partition.
3. Of surveyor's fees, &c.
4. Of costs, in actions for slander, malicious prosecution, and assault and battery.
5. In actions in which judgment is rendered on appeal.
6. On motions filed in pending proceedings.
7. In cases triable before single justice in vacation.
8. In case of discontinuance by plaintiff.
9. In actions of trespass or ejectment against two or more, and discontinuance as to, or judgment in favor of, one.
10. Travel and attendance, how taxed in case of partners.

SECTION

11. In actions on promissory note assigned, costs, how taxed.
12. Witness' fees how taxed, if no certificate.
13. Double costs, when may be given against appellant from judgment on bond, note, or bill of exchange.
14. When, in case of new trial, of course.
15. Costs, by whom taxed.
16. Disallowance of items of, when made.
17. Revision of costs in court of common pleas, on appeal, in supreme court.
18. Award of, and apportionment of, costs on appeals from courts of probate.

SECTION 1. In civil causes at law, the party prevailing shall recover costs, except where otherwise specially provided.

Costs, when recoverable.

SEC. 2. In all actions of partition, the court before which the same may be pending may adjudge and determine as to them shall appear equitable and just, relative to the apportionment of costs among the parties, plaintiff and defendant, by dividing the same equally, or subjecting either party to the payment of the whole or any part thereof.

Of costs in actions of partition.

SEC. 3. The supreme court and court of common pleas may divide or apportion between the parties in a suit pending, the fees of surveyors and other persons performing services therein by direction of the court.

Of surveyor's fees, &c.

SEC. 4. In all actions of the case for slanderous words that shall be commenced in any court, in all actions of the case for malicious prosecution, and in all actions of trespass for assault and battery, or imprisonment, that shall be commenced in the supreme court or court of common pleas, if the court or jury who shall assess the damages therein shall assess the same at a less sum than seven dollars, the plaintiff in such case, shall recover no more costs than damages.

Of costs, in actions for slander, malicious prosecution, and assault and battery.

SEC. 5. In all actions in which judgment is rendered on appeal, the court rendering judgment may award costs for or against the plaintiff or defendant, or for neither, in their discretion, according to the circumstances of the case, and may upon motion and for cause shown disallow the amount of costs taxable in any case for travel, attendance, or attorney's fees.

In actions, in which judgment is rendered on appeal.

SEC. 6. Courts may award costs on motions filed in suits, actions, and other proceedings at law or in equity pending before them, for or

On motions filed in pending proceedings.

against either party in their discretion, and upon such terms and conditions as they may prescribe by general rule or otherwise.

In cases triable before single justice in vacation.

SEC. 7. In all cases in which power is conferred upon a single justice of the supreme court to hear and determine any matter in vacation, such justice may, in his discretion, award costs to either or neither party thereto, or divide the same, in any proportion between the parties; such costs to be taxed by the clerk, allowed by the justice, and collected by execution, returnable to the next term of said court in the county.

In case of discontinuance by plaintiff.

SEC. 8. If the plaintiff in any case shall file his declaration in either of the clerk's offices of the supreme court or court of common pleas, as is by law provided, and shall afterwards withdraw or discontinue his suit before the sitting of the court, but after answer filed, the defendant in such case shall recover his costs.

When actions of trespass, &c., discontinued as to some of defendants.

SEC. 9. Whenever several persons shall be made defendants in an action of trespass or ejectment, and the same shall be discontinued as to any one or more of said defendants; or if upon the trial thereof, any one or more of them shall be acquitted by verdict, or upon a demurrer, every defendant so discharged or acquitted, shall have and recover his costs.

Travel, &c., how taxed in case of partners.

SEC. 10. In all civil actions brought by or against a firm, company, or copartnership, and where there is a joint cause of action, or joint defence, costs for travel, and attendance of one only of the parties recovering judgment shall be taxed.

In actions on notes assigned, costs, how taxed.

SEC. 11. In all actions on promissory notes in the name of the assignee or endorsee of the note against the original promisor, no more costs shall be taxed than would by law be taxable if such action had been brought in the name of the payee of the note.

Witness' fees, how taxed, if no certificate.

SEC. 12. Unless the certificate of a witness, for his attendance and travel, be filed with the clerk of a court or justice court rendering judgment, within four days after the rendition of judgment in the cause in which he shall have attended, or been summoned, no more fees shall be taxed in favor of the party procuring such witness than his travel, and one day's attendance.

Double costs, when may be given against appellant from judgment on bond, note, or bill of exchange.

SEC. 13. The appellee, in any case appealed from the court of common pleas to the supreme court, brought upon any bond or promissory note for money, or upon any bill of exchange against the acceptor thereof, whether interest be payable thereon or not, who shall recover in the supreme court, shall recover double costs in said court, and double interest on the debt from the day of the judgment of the court of common pleas appealed from, to the time of the final trial in the supreme court: *Provided*, that if the supreme court on such final trial shall be satisfied that the appellant had reasonable ground of defence, and that such appeal was not solely for delay, they shall allow only single interest from the day of the judgment of the court of common pleas appealed from, to the time of such final trial, with single costs.

When, in case of new trial, of course.

SEC. 14. If in any action for such cause originally brought in the supreme court a verdict be recovered by the plaintiff, and a motion for a new trial be filed therein by the defendant and allowed as of course, and judgment be afterwards rendered in favor of the plaintiff upon verdict, by default or on submission, the defendant may, in the discretion of the court, be adjudged to pay double costs and double interest on the debt accruing or taxable after the filing of such written motion.

Costs, by whom taxed.

SEC. 15. All bills of costs shall be taxed by the clerks of the

respective courts, and shall be examined and allowed by one of the justices thereof.

SEC. 16. The justice of any court who shall examine and allow any bill of costs shall strike out and disallow any sum that may be taxed or demanded for the expense of any witness, or any evidence whatsoever that shall appear to such justice overcharged, frivolous, or not material to the issue of the cause; and no costs shall be allowed for any written evidence unless the fees be noted thereon, or certified by the officer who issued or made out the same.

Disallowance of items of, when made.

SEC. 17. Costs taxed in the court of common pleas may be revised, in case of appeal to the supreme court, in the taxation of costs there.

Revision of costs, when.

SEC. 18. In all appeals from any order, determination, or decree of any court of probate to the supreme court, the supreme court, on rendering judgment therein, may award costs for or against the appellants or appellees, or for neither, or may apportion the same between and among the parties appellants and appellees, in their discretion, according to the circumstances of the case, and as to them shall appear equitable and just.

Award of, and apportionment of costs, on appeals from courts of probate.

CHAPTER 207.

OF APPEALS IN CIVIL CASES AT COMMON LAW, AND OF NEGLECT TO PROSECUTE THE SAME.

SECTION

1. Appeal from a justice court to court of common pleas in civil action, how taken.
2. From the court of common pleas to the supreme court, when to be taken by defendant.
3. By plaintiff, when.
4. Appeals from court of common pleas to supreme court, how taken.
5. Costs to be paid down, on appeal

SECTION

- from judgment on bond, promissory note, and bill of exchange.
6. Reasons of appeal and copy of case, when to be filed for an appeal.
 7. Of special leave to file reasons of appeal.
 8. Appeal, how to be tried.
 - 9 and 10. Of proceedings, in case of neglect to enter appeal.

SECTION 1. Any party aggrieved by the judgment of any justice court rendered in any civil action may appeal therefrom to the next term of the court of common pleas, to be holden in the same county, for a final hearing of said action: *Provided* he shall, within five days after rendition of such judgment, pay costs and give bond in such justice court to the other party, in a sum not exceeding fifty dollars, with sufficient surety or sureties, to prosecute such appeal with effect, or in default to pay costs.

Appeal from a justice court to court of common pleas in civil action, how taken.

SEC. 2. Any party defendant aggrieved by the judgment of the court of common pleas in any civil action originally brought in said court, bringing into question the title to real estate, or any right, easement, or interest therein, or in which the debt or damages or value of the property claimed shall amount to the sum of one hundred dollars or upwards, may appeal to the supreme court at the term thereof next to be holden in the same county after the expiration of five days from

From court of common pleas to supreme court, when to be taken by defendant.

the rising of the court of common pleas at said term, except that in the county of Providence such appeal shall be to the supreme court at the term thereof next to be holden after the expiration of fifteen days after the rendition of such judgment.

By plaintiff,
when.

SEC. 3. Any party plaintiff thus aggrieved by the judgment of the court of common pleas, in any civil action bringing into question the title to real estate, or any right, easement, or interest therein, or in which the debt or damages or value of property claimed shall amount to the sum of one hundred dollars or upwards, may, in like manner, appeal from any judgment rendered therein: *Provided*, that if upon such appeal he shall not recover in the supreme court the sum of one hundred dollars or upwards, or property to the value of one hundred dollars or upwards, exclusive of costs, he shall recover no costs in such action, unless the title to real estate, or to some right, easement, or interest therein, be brought in question in such action.

Appeals, how
taken, from
court of com-
mon pleas to
supreme court.

SEC. 4. In case of such appeal, and as the condition thereof, the appellant shall give bond in the clerk's office of the court of common pleas appealed from, in the sum of one hundred dollars, within five days after the rising of said court at the term in which judgment therein shall have been rendered against him, in any county other than the county of Providence, and in that county within five days after the rendition of such judgment, to prosecute his appeal with effect, and in default thereof to pay costs.

Costs to be
paid down,
when.

SEC. 5. If judgment be rendered upon any bond for money, or upon any promissory note for money, or upon any bill of exchange against the acceptor thereof, whether interest be expressed to be payable in the same or not, the appellant shall pay down the costs of the court of common pleas, and give bond to prosecute the appeal so made.

Reasons of ap-
peal and copy
of case, when
to be filed.

SEC. 6. The appellant shall, in all cases, file his reasons of appeal in the clerk's office of the court appealed to, at least ten days before the sitting of such court; and shall, at the time of entering his appeal, file in the same office a certified copy of the whole case.

Of special leave
to file reasons
of appeal.

SEC. 7. If any party appealing to the supreme court or court of common pleas, shall through mistake, accident, or misfortune, omit to file his reasons of appeal at the time prescribed as aforesaid, the said courts respectively, in their discretion, on sufficient cause being shown therefor, may, at the term of the court appealed to, permit such party to file his reasons of appeal in court, on such terms as they shall prescribe.

Appeal, how to
be tried.

SEC. 8. If the appellant in any case of appeal shall enter his appeal in the court appealed to, the cause shall be tried and decided in the same manner as if both parties had appealed, and both parties shall have the benefit of any new and further evidence.

Of proceedings
in case of neg-
lect to enter
appeal.

SEC. 9. If the appellant shall neglect to enter his appeal as by law required, the adverse party, in case he did not also appeal, may at any time during the term appealed to, or at the next succeeding term, enter his complaint and obtain a confirmation of the former judgment, as of the third day of the said term, with double interest from the time of the rendition of the judgment appealed from, to said third day, if damages were therein given, and double costs.

Same subject.

SEC. 10. In case of such neglect, if the court appealed to shall be satisfied that the appellant had reasonable grounds of appeal, and that the appeal was not taken solely for delay, single interest on the damages, and single costs only, shall be required of him.

CHAPTER 208.

OF APPEALS FROM JUSTICE COURTS IN CRIMINAL CASES.

SECTION

- 1 and 2. Appeal from sentence of a justice court in criminal cases within its jurisdiction, to what court, when, and how to be taken.
- 3. Appellant, neglecting to give recognizance, to be committed, and for what period.
- 4. Neglecting to file copy of case in

SECTION

- appellate court, recognizance of, how to be proceeded with.
- 5. Power of appellant to pay fine and costs, and be discharged from recognizance of appeal.
- 6. Appeal, how tried in appellate court, and judgment in common pleas on, final.

SECTION 1. Every person aggrieved by the sentence of any justice court on any complaint, for any offence which is or shall be within the jurisdiction of such court to try and determine, may appeal from such sentence to the court of common pleas then next to be holden in the same county, after ten days: *Provided*, such appeal be claimed within five days after passing such sentence. Such appeal may be claimed at the jail, from any justice of the supreme court, or from any trial justice or clerk of a justice court, or from any justice of the peace authorized to take bail at the jail in certain criminal cases; and such recognizance shall be taken by the person authorized thereto, as is hereinafter provided.

Appeal from sentence of a justice court in criminal action, to what court, when, and how to be taken.

SEC. 2. Upon every claim for appeal, the appellant shall be required to give recognizance in such sum as the person authorized to take such recognizance shall direct, and with surety to the satisfaction of such person, with condition, that he will file his reasons of appeal, together with a copy of the whole case, in the court appealed to, on or before the second day of the next term thereof as aforesaid, that he will appear before said court and there prosecute his appeal with effect, and abide or perform the order or sentence of said court in such case, and that he will in the mean time keep the peace towards all the people of this state; which recognizance the person taking the same shall forthwith certify to the court appealed to.

Recognizance, what, and how to be given.

SEC. 3. Upon the neglect of such appellant to give such recognizance, he shall forthwith be committed to the jail in the same county, there to remain until he give such recognizance or be discharged pursuant to law: *Provided, however*, that whenever such appellant shall have performed sufficient labor in such jail, so that the sum earned by him thereby is equal to the amount of the fine and all the costs in the case in which he is committed, including all costs accruing at such jail, and he shall have served the full time of imprisonment for which he may have been sentenced, the jailer shall apply the amount so earned by him to the settlement of such fine and costs; and the said appellant shall then be discharged.

Appellant neglecting to give recognizance, to be committed, and for what period.

SEC. 4. If such appellant, having given recognizance, shall neglect to file a copy of the whole case in the court appealed to, on or before the second day of the next term thereof, he shall be defaulted in the appellate court on the recognizance, and the appellate court shall forthwith certify such neglect to the justice court, from whose sentence the appeal was taken; and such justice court shall thereupon deliver to the attorney-general a certified copy of the whole case,

Neglecting to file copy of case in appellate court, recognizance of, how to be proceeded with.

which shall be by him filed and entered in the appellate court; and the proceedings thereon in the appellate court shall be the same, and shall be conducted in the same manner, as if the appellant had filed such copy on or before the second day of such term.

Power of appellant to pay fine and costs, and be discharged from recognizance of appeal.

SEC. 5. Such appellant, having given such recognizance, may at any time before the reasons of appeal are by law required to be filed pay to the trial justice or to the clerk of the justice court, from whose sentence the appeal shall have been taken, the fine and costs which shall have accrued; and thereupon the said justice court, or clerk thereof, shall discharge the recognizance taken upon the appeal; but if the recognizance shall have been certified to the court appealed to, the same shall be discharged by such court, or the clerk thereof, upon the presentation of the certificate of the justice court appealed from that the fine and costs have been paid.

Appeal, how tried, &c.

SEC. 6. Such appeal shall be heard and tried in the appellate court with a jury, and the judgment or sentence of the court of common pleas therein shall be final, except in matters of law.

CHAPTER 209.

OF TAKING QUESTIONS OF LAW, IN CASES CIVIL AND CRIMINAL, TO THE SUPREME COURT.

SECTION

1. Act of general assembly to be declared constitutional in first instance, except in supreme court.
2. In case of judgment against party raising constitutional question, cause how and when to be certified to supreme court, for deciding constitutional question.
3. Obligation of parties to follow cause, and right to be heard in question raised.
4. Of hearing question in supreme court, and proceedings in cause.
5. Obligation of parties to follow cause back, without notice.
6. Of recognizance to be given by party raising constitutional question in a criminal cause, and effect of refusal to give.
7. Consequence of party raising question, not appearing in supreme court.
8. Expenses of determining constitutional question to be taxed in costs.
9. Right of appeal in case in which constitutional question raised, saved, and when and how to be exercised.

SECTION

10. Rulings of court of common pleas in matter of law, when and how to be reheard in supreme court.
11. Rulings of special court of common pleas in matter of law, when and how.
12. Bond to be given by defendant in special court case, in case of question of law taken to supreme court.
13. Bill of exceptions, how to be drawn, and when to be presented for allowance.
14. Of extension of time for presentation of exceptions.
15. Remedy in case judge refuses to allow bill of exceptions.
16. Bill of exceptions, when and where to be filed.
17. Of bond or recognizance to be given by party taking question of law to supreme court.
18. Power of supreme court to affirm or reverse judgment below, in such case, and of proceedings thereon.
19. Proceedings in case of neglect to enter and file copy in supreme court.

SECTION 1. If in any cause or proceeding, civil or criminal, pending before any court other than the supreme court, the constitutionality of any act of the general assembly shall be brought into question, it shall be the duty of such court to rule such act to be constitutional, and to go on and try the cause as though such question had not been raised.

Act of general assembly to be declared constitutional, &c., in first instance, except, &c.

SEC. 2. If judgment be rendered in the cause against the party raising the constitutional question, the court shall forthwith certify the cause to the supreme court for their decision of the constitutional question, if in session; and if not in session, then to the session thereof next to be holden in any county of the state by adjournment, or at a regular term.

Of certifying case to supreme court, for deciding constitutional question.

SEC. 3. The parties to such cause shall be bound to follow the same to the supreme court without further notice; and shall there be heard by said court, on the constitutional question raised in such cause.

Parties to follow cause to supreme court, &c.

SEC. 4. The supreme court shall give precedence to such cause over all other business pending before them, and if practicable shall have the opinion of all the justices of said court on the question certified to them; and after deciding such constitutional question, shall send back such cause, with their decision, to the tribunal where it originated, and shall appoint a time, and if need be a place, where such tribunal shall assemble, to proceed in such cause; and at the appointed time and place, such tribunal shall meet and proceed to retry such cause or to enter up judgment therein, pursuant to the certified decision of the supreme court.

Of hearing question.

SEC. 5. The parties in such cause shall be bound to follow the same from the supreme court to the tribunal where it originated, without further notice.

Parties to follow cause.

SEC. 6. The court rendering judgment shall require of the party to a criminal cause or proceeding, raising a constitutional question, a recognizance, and of such party to a civil cause or proceeding, a bond, in the sum of one hundred dollars, with sufficient surety, with condition that he will follow such cause to the supreme court, and thence to the tribunal where it originated, and appear before such tribunal at the time and place appointed by the supreme court, and abide or perform the final judgment or sentence of such tribunal in such cause; and upon the refusal or neglect of the party to give such recognizance or bond, shall proceed as if no such question had been raised.

Of recognizance to be given by party raising constitutional question in criminal cause.

SEC. 7. If the party raising such constitutional question shall not appear before the supreme court at the time and place to which the cause in which it shall be raised shall have been certified to said court, such cause shall be remanded to the tribunal where it originated, as in the fourth section of this chapter is provided, and such tribunal shall then proceed in such cause in the same manner as though such question had not been raised in such cause.

Consequence of party raising question not appearing in supreme court.

SEC. 8. All the expenses arising in the procuring of the decision of any constitutional question as aforesaid shall enter into and make a part of the costs in the suit in which the question is raised.

Expenses of determining, to be taxed in costs.

SEC. 9. If the party against whom any court shall render judgment in a cause in which a constitutional question shall be raised have a right of appeal to any other tribunal, such right shall not be affected by the preceding provisions of this chapter, but may be exercised within the same time after the entering up of judgment in the cause, pursuant to the decision of the constitutional question by the supreme court, and in the same manner, and upon the same terms, as is or may

Right of appeal in such cases saved, and how to be exercised.

be provided by law, in similar cases, in which no such question is raised.

Rulings of court of common pleas in matter of law, when and how to be reheard in supreme court.

SEC. 10. Any person convicted of an offence in any criminal proceeding, commenced in, or brought by appeal before the court of common pleas, and either party to a civil suit, or suit in form civil, including suits for flowage caused by mill-dams, commenced in or brought by appeal before such court, upon which judgment shall be rendered, may, if there be no appeal from such conviction or judgment to the supreme court, and if such convict or party be aggrieved by any opinion, direction, ruling, or judgment of the court of common pleas on any matter of law raised by the pleadings, or by an agreed statement of facts, or apparent upon or brought upon the record by a bill of exceptions, shall be entitled to have such matter of law heard before, and decided by the supreme court, for the same county in which such conviction shall be had or judgment rendered.

Rulings of special court of common pleas in matter of law, when and how.

SEC. 11. Either party aggrieved by any opinion, direction, ruling, or judgment of a special court of common pleas in any matter of law raised by the pleadings, or by an agreed statement of facts, or apparent upon or brought upon the record by a bill of exceptions, shall be entitled to have such matter heard before and decided by the supreme court in the same county: *Provided*, such right be claimed in open court, and bond to prosecute be filed, and motion for time to present to the justice trying the cause a bill of exceptions, if a bill of exceptions be necessary, made within twenty-four hours after the rendition of judgment in the action; and *provided* such cause be entered in the supreme court at any time within ten days thereafter if the court be then in session; and if the same be not in session, or shall not continue in session until such cause may be entered at any time within said ten days, then at the next term thereof in the same county.

Bond to be given by defendant.

SEC. 12. In case such right be claimed by a defendant to an action in such special court, he shall, in addition to the ordinary bond to prosecute, within twenty-four hours as aforesaid, give bond to the plaintiff with sufficient surety or sureties to the satisfaction of such justice, in such sum as the justice may order, that he will pay all rent or other moneys due or which may become due pending the action, and such damages and costs as may be awarded against him.

Bill of exceptions, how to be drawn and when presented for allowance.

SEC. 13. Every bill of exceptions shall be summarily drawn up in writing by the person or party aggrieved, or by his counsel, and shall be presented to the judge who shall have tried the cause, within five days of the time of conviction in a criminal proceeding, and of judgment in a civil cause, or cause in form civil, if the court shall so long continue in session, and if not, during the session of the court, unless, for cause shown, further time be given, and shall be allowed and signed by such judge.

Of extension of time for presenting exceptions.

SEC. 14. Such judge may, in any civil cause, or cause in form civil, upon notice and for cause shown, extend the time for presenting such bill of exceptions for allowance, to any time within five days after the termination of the term at which judgment shall have been rendered.

Remedy in case judge refuses to allow bill of exceptions.

SEC. 15. In every trial in the supreme court of a bill of exceptions, or petition for new trial, founded upon exceptions or upon alleged error in any opinion, direction, or ruling of either the supreme court or court of common pleas, in the trial of any case or proceeding, or upon the ground that the verdict therein was against the evidence or the weight thereof, the party excepting to such opinion,

direction, or ruling, or praying for such new trial, may set forth the matter of such exceptions and allegations of error, and the evidence upon which such error, direction, or ruling was rendered, or verdict was rendered, by affidavits, subject to counter affidavits, to the satisfaction of the supreme court, with the same effect as if such bill of exceptions, or statement of the ruling, direction, or opinion complained of had been allowed and signed by the judge trying such case or proceeding, whenever he shall be unable, for any reason, to allow and sign such bill of exceptions, or statement of the substance of the ruling, opinion, or direction so complained of, or shall refuse so to allow the same or any part thereof.

SEC. 16. Every bill of exceptions shall be filed with the clerk before, during the term at which the cause shall have been tried, or, in case of special allowance of time, within five days of the time of the allowance, and signature thereof by the judge.

Bill of exceptions, when and where to be filed.

SEC. 17. The person convicted or party aggrieved in matter of law by any opinion, decision, or ruling, other than one concerning the constitutional validity of any act of the general assembly, brought in question in the causes or judgment as aforesaid, may and shall enter into recognizance, or give bond, and proceed in and enter the cause at the next term of the supreme court for the county, if a criminal proceeding, in the same manner, and subject to like liabilities as provided in case of criminal appeals from justice courts to the court of common pleas; and if a civil cause, or cause in form civil, in the same manner, in all respects, as provided in case of appeals from the court of common pleas to the supreme court.

Of bond or recognizance to be given by party taking question of law to supreme court.

SEC. 18. In all such proceedings and causes, duly entered by the person convicted or the party aggrieved, in the supreme court, the court, in a civil cause, or cause in form civil, may affirm the former judgment with additional debt, penalty, or damages at the rate of six per cent. per annum, or may reverse the same in whole or part, or may, in a proceeding or cause, civil or criminal, after deciding all the questions of law raised therein, remit the same to the court of common pleas for trial or new trial, or may order a new trial to be had in the supreme court; and in such cases may enter such judgment, order, sentence, or decree, and take such order therein, as the court of common pleas ought to have done, and shall cause such other proceedings to be had in the cause as to law and justice shall appertain.

Power of supreme court to affirm or reverse judgment below in such case, and of proceedings thereon.

SEC. 19. In case of neglect duly to enter and file the copy in any such proceeding or cause in the supreme court, like proceedings shall be had in all respects and with like effect, as provided in like cases against persons convicted, and parties who neglect duly to prosecute appeals, and the supreme court may and shall proceed in like manner to carry the conviction or judgment into full effect, with additional costs.

Proceedings in case of neglect to enter and file copy in supreme court.

CHAPTER 210.

OF NEW TRIALS.

SECTION

1. New trial, of course, in supreme court, when, and on what terms to be had.

SECTION

2 and 3. Power of supreme court to grant trial or new trial.

SECTION

- 4 and 5. Notice of application for new trial, when to be given.
6. New trial, where to be had.
7. Property attached not holden, and bail discharged when, by application for new trial.
8. Power of supreme court to grant new trials in cases before special courts, justice courts, probate courts, and on indictments.
9. Power of court of common pleas to grant trial or new trial.

SECTION

- 10 and 11. Adverse party, when entitled to notice of application for.
12. Property attached and bail, when holden to respond to judgment on new trial.
13. Action, in which new trial granted; when to be entered, and consequences of neglect to enter and of non-compliance with terms of grant.

New trial, of course, in supreme court, when and on what terms had.

SECTION 1. In all cases in which actions originally commenced in the supreme court shall be answered, the party against whom a verdict has been rendered shall, by filing a written motion with the clerk of the court in which such verdict is rendered, within forty-eight hours after the rendition of such verdict, and payment of the entry fixed by law for the entry of appeals in the supreme court, be entitled, as of course, to a new trial in such action.

Power of supreme court to grant trial or new trial.

SEC. 2. Whenever it shall be made to appear, to the satisfaction of the supreme court, by any party or garnishee in a suit which shall have been tried or decided therein, or which shall have been tried or decided in the court of common pleas, within one year previous to such application, that by reason of accident, mistake, or any unforeseen cause, judgment has been rendered in such suit, on discontinuance, nonsuit, default, or report of referees, or that such party or garnishee had not a full, fair, and impartial trial in such suit, or, in case a trial has been had in such case, that a new trial therein should be had, such court shall have power to grant or to refuse to grant such trial or new trial, upon such terms and conditions upon either party as they shall prescribe.

Same subject.

SEC. 3. The supreme court shall have like power to grant, or refuse to grant a new trial in any case in which there has been a trial by jury, for reasons for which new trials have been usually granted at common law.

Notice of application for, when to be given.

SEC. 4. If the application for such trial or new trial of a suit decided in the supreme court shall be made at the same term in which such suit shall have been tried or decided, the adverse party shall be holden to answer the same, without further notice thereof.

Same subject.

SEC. 5. If such application shall be made at any other term of said court in a suit decided therein, or shall be made in a suit decided in the court of common pleas, notice thereof shall be given to the adverse party, in such manner as the court shall, by general rule or otherwise, direct, to appear at such time as the court shall appoint to answer the same.

New trial, where to be had.

SEC. 6. Whenever a trial or a new trial shall be granted, the same shall be had before any court in any county, at such term thereof, and under such restrictions and conditions, as the supreme court may prescribe.

Of effect of application for new trial upon attachments, bail, &c.

SEC. 7. If the application for a new trial shall be made by the plaintiff, no goods or chattels or real estate attached, or bail given upon the original writ, shall be holden to respond to the judgment in such case, unless the application for a new trial be made at the term in which such cause shall have been decided, if in the supreme court;

but if the same shall have been decided by the court of common pleas, the plaintiff shall file his petition for a trial, or a new trial, with the clerk of the supreme court for the same county, and notify the adverse party thereof within ten days after the rising of the court at which the same shall have been decided, or the bail or property aforesaid shall be discharged.

SEC. 8. The supreme court shall and may exercise the same powers in granting a trial in all cases decided at a special court of common pleas, or before any justice court, if no trial shall have been had therein, and may exercise the like powers in granting a trial in all cases decided by any probate court, wherein the party shall have neglected to prosecute his appeal according to law; and shall also have power in their discretion, on the petition of the accused, to grant trials or new trials upon indictments or other criminal prosecutions in which verdict or judgment shall have been rendered against such petitioner: *Provided*, application therefor shall be made within one year after such cause shall have been tried or decided.

Power of supreme court to grant new trials, in cases before special, justice, and probate courts, and on indictments.

SEC. 9. Whenever it shall be made to appear to the satisfaction of the court of common pleas, by any party in any suit commenced in said court in which there is not by law a right of appeal, or in any suit brought into said court by appeal from a justice court and which shall have been tried and decided in said court of common pleas within one year previous to such application, that by reason of any accident, mistake, or unforeseen cause, judgment has been rendered in such suit on discontinuance, nonsuit, default, or report of referees, or that such party had not a full, fair, and impartial trial in such suit, and the court shall thereupon think it reasonable to grant a trial, or, in case a trial has been had in such case, to grant a new trial therein, they shall have power to grant or to refuse to grant the same, upon such terms and conditions upon either party as the said court shall prescribe.

Power of court of common pleas to grant trial or new trial.

SEC. 10. If the application for such trial or new trial shall be made at the same term in which such suit shall have been tried or decided, the adverse party shall be holden to answer the same without further notice.

Adverse party, when not entitled, and

SEC. 11. If such application shall be made at any other term of said court, notice thereof shall be given to the adverse party in such manner as shall be directed by general rule, or otherwise in such manner as the court may direct.

when entitled, to notice of application for.

SEC. 12. If the application for a new trial shall be made by the plaintiff, no goods or chattels attached or bail given upon the original writ, shall be holden to respond to the judgment in such case, unless the application for a new trial be made at the term of said court in which such cause shall have been decided.

Property attached and bail, when holden to respond to judgment in.

SEC. 13. If any party shall obtain a trial or new trial in any cause, by order of the supreme court or court of common pleas, and shall neglect to enter such action for trial on the first or second day of the court at which such trial was to be had by such order, or at the time which such order shall prescribe, or shall not otherwise comply with the terms of such order, the adverse party may enter his complaint, and the said court shall thereupon affirm the last judgment rendered in such cause, with interest, if damages or debt were therein recovered, and additional costs.

Of consequences of neglect to enter, &c., action in which new trial is granted.

TITLE XXVIII.

OF EXECUTIONS AND SERVICE OF EXECUTIONS, OF PROCEEDINGS BY AND AGAINST BAIL, OF IMPRISONMENT OF DEBTORS, AND THE RELIEF OF POOR DEBTORS.

CHAPTER 211. Of executions.

CHAPTER 212. Of the service of executions.

CHAPTER 213. Of proceedings by and against bail.

CHAPTER 214. Of imprisonment of debtors, and of jail limits and jail bonds.

CHAPTER 215. Of the relief of poor debtors.

CHAPTER 216. Of poor tort debtors.

CHAPTER 211.

OF EXECUTIONS.

SECTION

1. Executions, in what name issued, and how signed, sealed, tested, and to run.
2. When to be issued, of course.
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4. Of issue of, by special order in court of common pleas.
5. Power of supreme court and court of common pleas to stay execution.
6. Execution of a justice court, when to issue.
7. Issue of executions, limitation of.
8. Remedy in case of loss or destruction of executions.
9. Executions of supreme court and of court of common pleas, when returnable and how.
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SECTION

11. Execution, what payment to be made before demandable.
2. Time of judgment, &c., to be noted on.
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16. Form of writs of possession.
17. Form of execution of a justice court.
18. Form of execution against body of defendant.
19. Power of court to vary form of execution.
20. Property attached on writ, when execution must be levied on to hold.

Executions, how issued, signed, sealed, tested, and to run.

•When issuable of course.

SECTION 1. Executions issued by any court shall issue in the name of the State of Rhode Island and Providence Plantations, and shall be signed, sealed, bear teste, and run in like manner as original writs.

SEC. 2. They shall be issued on judgments rendered by such courts, at the expiration of five days next after the rising of the court at which judgment shall have been rendered, unless otherwise ordered.

SEC. 3. The supreme court may, on motion, direct execution to issue at any time during the term of the court at which judgment shall be rendered. Supreme court may issue, &c.

SEC. 4. The court of common pleas may, on motion, direct execution to issue at any time during the term of the court at which judgment shall be rendered, on any judgment rendered therein, in any case in which there is, by law, no appeal, and in the trial of which no question of law is raised by statement of facts, upon demurrer, by exception to the ruling of the court, or otherwise, or in which, there being a right of appeal, or a question of law being raised, the appellant shall not, within the time prescribed by law, have given bond as required in cases of appeal; or, in case of a bill of exceptions, the party excepting shall not have presented the same to the court for allowance, or filed the same as allowed, within the time prescribed by law, or appointed by the court. Of issue of, by special order of court of common pleas.

SEC. 5. The supreme court or court of common pleas may, upon motion, and for cause shown, stay execution upon any judgment or decree rendered in such court, until further order. Of stay of execution.

SEC. 6. No execution shall issue on any judgment rendered by a justice court, within five days from the day such judgment was rendered. Execution of justice court, when to issue.

SEC. 7. Executions, original or alias, may be issued by any court, at any time within six years from the rendition of the judgment originally, or from the return day of the last execution. Issue of executions, limitation of.

SEC. 8. Any judge of the supreme court, at any time, on application made to him by the plaintiff in any original, alias, or pluries execution, issued from the clerk's office of the supreme court or court of common pleas in any county, or any justice court, which has been lost or destroyed previous to the satisfaction thereof, upon proof to his satisfaction of the loss or destruction of such execution, may authorize the clerk of the court or justice court, by whom or from whose office said execution was issued, to issue another execution in the place of the one so lost or destroyed. And the justice of any justice court, upon application made to him by the plaintiff in any such execution which has been lost or destroyed previous to the satisfaction thereof, upon proof to the satisfaction of said justice that said execution has been lost or destroyed, may issue or authorize another execution to be issued by the clerk thereof in place of the one so lost or destroyed. Remedy in case of loss or destruction of executions.

SEC. 9. Every execution issued by the supreme court, or by the court of common pleas, shall, unless otherwise by law provided, be made returnable to the next succeeding term thereof, and shall be returned by the officer charged therewith, within five days from the day appointed by law for the sitting of the court from whence it issued; and if such officer shall not return the same within that time, he shall be liable therefor, as by law prescribed. Executions of supreme court, and court of common pleas, when returnable and how.

SEC. 10. Every execution issued by any justice court shall, unless otherwise provided, be returnable in three months after the date thereof, and be returned to the justice court which issued it. Executions of justice courts, when and how.

SEC. 11. No person shall be entitled to an execution until the fee of the clerk or trial justice thereon shall have been paid. Of payment of fee thereon.

SEC. 12. The clerk of any court from which an execution shall issue shall note on the margin thereof, or in the body thereof, the time when the judgment recited in the same was rendered; also, whether the execution was awarded against the defendant, in any action brought against him upon any penal statute, trover, detinue, tres- Time of judgment, &c., to be noted on, when.

pass, trespass on the case, trespass and ejection, and trespass *quare clausum fregit*, in which the title to the close was not in dispute.

Of execution against female, on contract, for under fifty dollars, &c.

SEC. 13. No execution shall issue against the body of any female, on any judgment founded on a contract not under seal, where the debt or damages do not exceed fifty dollars; but in such case the execution shall issue against the goods and chattels and real estate of the female against whom such judgment shall have been rendered.

Execution to issue against body of defendant, when.

SEC. 14. An execution, original, alias or pluries, may issue against the body of a defendant not exempt from arrest in an action whenever the same shall have been brought upon a penal statute, or in trover, detinue, trespass, trespass on the case, trespass *quare clausum fregit*, in which the title to the close was not in dispute, or whenever, the action being for the recovery of a debt or a state or town tax, the cause thereof accrued before the thirty-first day of March, 1870, or whenever such defendant shall have been arrested and held to bail upon an original writ or writ of mesne process therein, or wherever it shall be made to appear to the court which rendered the judgment in such action, or to any justice thereof, that such defendant is about to depart the state without leaving therein sufficient real or personal estate to satisfy such judgment, or that such defendant has been guilty of fraud in contracting the debt for the recovery of which such judgment was rendered, or in the concealment, detention, or disposition of his property.

Form of execution of supreme court and court of common pleas.

SEC. 15. A writ of execution issued by the supreme court or court of common pleas shall be substantially in the following form:—

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties or to their deputies,* *greeting:*

Whereas of by the consideration of our court holden at within and for our county of on the Monday of recovered judgment against of for the sum of debt or damages and costs of suit, as to us appears of record, whereof execution remains to be done: We command you, therefore, that of the goods and chattels and real estate of the said within your precinct, you cause to be levied and paid unto the said the aforesaid sums, being in the whole, with twenty-five cents more for this writ: and thereof also to satisfy yourself for your own fees: [and for want of the goods and chattels and real estate of the said to be found in your precinct, to satisfy and pay the same as aforesaid, we command you to take the body of the said and commit unto our county jail in your precinct, therein to be kept until pay the full sums above mentioned, with your fees, or that be discharged by the said or otherwise by order of law.] Hereof fail not, and make true return of this writ and of your doings thereon, to our next to be holden at within and for our county of on the Monday of next. Witness, Hon. chief-justice of our supreme court at this day of in the year

Clerk.

Form of writs of possession.

SEC. 16. Writs of possession shall be substantially in the following form:—

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties or to their deputies,* *greeting:*

Whereas by the consideration of our court holden at within and for our said county of on the Monday of recovered judgment for the possession of with the privileges and appurtenances thereto belonging, against who had unjustly withholden him from the possession thereof; and also, by the consideration of the same court recovered judgment against the said for the sum of costs of suit, as to us appears of record, whereof execution remains to be done: We command you, therefore, that without delay, you cause the said to have possession of and in the said with the privileges and appurtenances thereunto belonging. We also command you, that of the goods and chattels and real estate of the said within your precinct, you cause to be levied and paid to the said the aforesaid sum of with twenty-five cents more for this writ; and thereof also to satisfy yourself for your own fees; and for want of the goods and chattels and real estate of the said to be found in your precinct, to satisfy and pay the same as aforesaid, we command you to take the body of the said and commit to our county jail in your precinct, therein to be kept until pay the full sum above mentioned, with your fees, or that be discharged by the said or otherwise by order of law. Hereof fail not, and make true return of this writ and of your doings thereon, to our next to be holden at within and for our county of on the Monday of next. Witness, Hon. chief justice of our supreme court, this day of in the year Clerk.

SEC. 17. A writ of execution issued by a justice court shall be substantially in the following form:—

Form of execution of a justice court.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. To the sheriff, his deputy, or to either of the town sergeants or constables in the county of greeting:

Whereas at a justice court holden at on the day of recovered judgment of said court against for the sum of debt (or damages), and costs of suit, taxed at as of record of said court doth appear; which sums, in the whole, amount to for which execution remains to be done: We command you, therefore, that of the goods and chattels and real estate of the said within your precinct you levy the said sum of together with for this execution, as also your lawful fees for serving the same, and therewith satisfy and pay the said; [and for want of sufficient goods and chattels and real estate of the said to be by you found, to satisfy and pay the same sums as aforesaid, we command you to take the body of the said into your custody, and safely secure in our jail in until satisfy and pay the said the sums aforesaid and your fees, or until be by the said therefrom discharged, or otherwise by order of law.] Hereof fail not, and make true return of this writ, in three months from the date hereof, and of your doings thereon.

Witness, Esq., trial justice, this day of Clerk.

If such writ be issued by a justice court having no clerk, then the form of attestation shall be as follows:—

Witness my hand at this day of in the year of Trial Justice.

Form of execution against body of defendant.

SEC. 18. If the execution issued by any court be one which may run against the body of the defendant, the words included in brackets in the forms prescribed in the fifteenth and seventeenth sections of this chapter shall be retained, otherwise they shall be stricken out.

Power to vary execution.

SEC. 19. The court issuing an execution in any case in which no form shall be prescribed may vary the above forms so as to comply with the law.

Of levy of, to hold property attached on writ.

SEC. 20. Whenever final judgment shall be rendered for the plaintiff in any suit in which the writ was served by attachment of real estate, or goods and chattels, or stock or shares in any incorporated company, the execution issued on such judgment at the same term such judgment was rendered shall be levied on the property so attached, as soon as may be; but if the same shall not be so levied before the return day thereof, the property attached shall be discharged of such attachment.

CHAPTER 212.

OF THE SERVICE OF EXECUTIONS.

SECTION

1. Duty of officer to whom judicial writ is issued.
2. Penalty for seizing body of deceased person.
3. Of set-off of executions in hands of officer.
4. Personal property mortgaged, when and how to be levied on.
5. Such property when levied on, how to be sold.
6. Proceeds of sale of such property, how to be applied.
7. Right of plaintiff in execution to redeem such property.
8. Redemption of, to save levy, when to be made.
9. Goods and chattels levied on, how to be kept, sold, notice of sale, and owner's right to relieve from levy.
10. Application of proceeds of sale of goods levied on.
11. Notifications of levy and sale of real estate, and right to redeem.
12. Of notification of levy on real estate not attached on original writ, &c.
13. Power of officer to adjourn sale of.

SECTION

14. How much real estate to be sold on levy; how title in to be vested, and surplus arising from sale of, how to be disposed of.
15. Sale of real estate on execution may be made after return day.
16. Form of sheriff's deed of real estate sold on execution.
17. Time of attachment to be inserted in deed.
18. Execution, how levied on banking shares or corporate stock attached.
19. Sale of such stock, how to be advertised, and title to, how given.
20. Execution on banking shares or corporate stock not attached, how levied.
- 21 and 22. Executions against banking associations or corporations, how to be levied and collected.
23. Order of satisfaction of executions levied.
24. Time of levy to be set forth in return.
25. Interest on executions when collectable.
- 26 and 27. Execution against sheriff, how served.

SECTION 1. Every officer to whom a writ of execution or other judicial writ shall be lawfully issued shall execute the mandates therein contained as commanded, and shall make returns of his doings thereon. If he be unable to execute such mandates, he shall set forth the reason of his failure in his return.

Duty of officer to whom execution, &c., is issued.

SEC. 2. The body of any deceased person shall not be liable to be taken for debt or damages on execution, or upon any process whatever; and if any officer shall, under color of an execution or process, seize, or take the body of any deceased person for debt, or damages, he shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months.

Penalty for seizing body of deceased person.

SEC. 3. If any officer shall, at the same time, have two or more executions delivered to him to serve, in which the parties shall be reversed, and shall sue and be sued in the same right and capacity, he shall set off the debts or damages in the same, and levy and collect the balance only that shall remain due thereon, with the costs on all said executions.

Of set-off of executions in hands of officer.

SEC. 4. Personal estate, when mortgaged and in the possession of the mortgagor, and while the same is redeemable either at law or in equity, may be levied on by execution against the mortgagor, in the same manner as on his personal estate.

Of levy on personal property mortgaged.

SEC. 5. When levied on, whether by virtue of an attachment or otherwise, it shall be sold by the officer as in other cases of levies on personal property on executions.

How sold when levied on.

SEC. 6. The proceeds of the sale shall be applied to the payment of the amount due on the mortgage, with such deduction for interest for the anticipated payment, or allowance for damages for such anticipated payment, as may be ascertained and allowed by the court to which the execution is returnable, and the balance shall be applied to the payment of the amount due on the execution.

Proceeds of sale of, how to be applied.

SEC. 7. In case of such levy, the plaintiff in execution may redeem the mortgaged property in the same manner as the mortgagor might have done; and upon such redemption shall have the same lien on the property for the amount paid by him, with interest, as the mortgagee had.

Right of plaintiff in execution to redeem.

SEC. 8. If the mortgage be not redeemed by the plaintiff, or sold as before mentioned, before the time of redemption expires, the attachment shall become void.

Redemption, when to be made.

SEC. 9. In all cases when execution shall be levied on any goods or chattels, such goods and chattels shall be kept in the officer's hands, and be advertised at least ten days before they shall be exposed and offered for sale, in order that the person who owned such goods or chattels may, if he thinks fit, pay the money due, together with the costs which shall have accrued thereon, and thereupon have his said goods or chattels restored to him again.

Goods and chattels levied on, how to be kept, sold, &c.

SEC. 10. In case such owner shall not redeem them as aforesaid, the officer shall sell the same at public auction, to the highest bidder; and if any overplus shall remain after the debt or damages and costs and charges are paid, the same shall be delivered by the officer to the owner, or to any person legally qualified on his behalf, to receive the same.

Application of proceeds of sale of goods levied on.

SEC. 11. The officer charged with the service of the execution, if he shall levy the same on real estate, shall set up notifications of such levy, in three or more public places in the town where said real estate lies, for the space of three months after such levy, and before the same shall be exposed to sale, notifying all persons concerned of the

Notifications of levy and sale of real estate, and right to redeem.

levy, and intended sale of said estate, that the owner thereof may have an opportunity to redeem the same; and he shall also notify such sale, by causing an advertisement thereof to be published, once a week, for the space of three weeks next before the time of such sale, in some newspaper in the county where such estate lies; and if no newspaper be printed therein, then in some newspaper printed in Newport or Providence.

Of notification of levy on real estate not attached on original writ, &c.

SEC. 12. Whenever execution shall be levied upon real estate which was not attached on the original writ or writ of mesne process, the officer shall, in addition to carrying out the requirements of the next preceding section, leave a copy of the execution with his doings thereon with the town clerk of the town in which such real estate shall lie.

Power of officer to adjourn sale of.

SEC. 13. In case of accidents or extraordinary storms or tempests, the sheriff may from time to time adjourn the sale of the estate levied on, giving one week's notice thereof by publication in a newspaper in the manner above provided.

How much to be sold on levy;

SEC. 14. If no person appear to redeem the said estate, the officer shall sell the same, or so much thereof as shall be sufficient to satisfy the judgment obtained, and the cost and charges, at public auction; and a deed thereof, by him given, shall vest in the purchaser all the estate, right, and interest which the debtor had therein at the time said estate was attached, or, in case there were no attachment, levied on, as aforesaid; and the surplus of the money that shall arise from the sale of said estate, after satisfying the execution and the costs and charges, shall be deposited with the general treasurer for the owner thereof, and be liable to be attached for his other debts.

how title in to be vested;

surplus from sale of, how disposed of.

Of sale after return day.

SEC. 15. Such sale shall be made under the execution levied thereon, although the return day thereof may have passed.

Form of sheriff's deed of real estate sold on execution.

SEC. 16. The following shall be substantially the form of the deed to be given when real estate is levied upon and sold as aforesaid, that is to say:—

To all people to whom these presents shall come, send greeting:

Whereas, an execution against _____ at the suit of _____ was by me the said _____ on the _____ day of _____ levied on (here describe the premises), and whereas on the _____ day of _____ all the estate, right, title, interest, and property of the said _____ in the premises aforesaid, were by me the said _____ sold at public auction, for the satisfaction of the said execution, to _____ who was the highest bidder, for the sum of _____ which the said _____ hath since well and truly paid to me the said _____. Now know ye, that by force and virtue of the law in such case made and provided, I, the said _____ in consideration of the sum of money paid unto me as aforesaid, do by these presents, bargain, sell, assign, and set over unto the said _____ heirs and assigns forever, all the estate, right, title, interest, property, freehold, and inheritance of the said _____ of, in, and to the said premises and appurtenances at the time of the levy thereon; To have and to hold the said premises and appurtenances to the said _____ heirs and assigns forever. In witness, &c.

Time of attachment to be inserted in writ.

SEC. 17. Whenever attachment shall have been made by original writ or writ of mesne process, the officer shall insert the time thereof, and vary his deed accordingly.

Execution, how levied on

SEC. 18. Whenever execution shall issue against a defendant whose stock or shares in any banking association or any body corpo-

rate established within this state shall have been attached, the officer charged therewith shall serve a copy of the same, if a bank, upon the cashier thereof, if an insurance company, upon the president or secretary thereof, and if upon any other corporate body, upon the treasurer thereof, or person executing the duties of treasurer, which shall be deemed a good and sufficient levy of such execution upon the stock or shares of the defendant in such company.

banking shares and corporate stock attached.

SEC. 19. The said stock or shares shall be advertised or sold (or so much thereof as shall be necessary) in the same manner as other personal property levied on by execution; and a deed or deeds thereof given by the officer aforesaid shall vest in the purchaser all the defendant's right, title, and interest in such shares so sold as aforesaid, and shall be recorded by the recording officer of such company.

Sale of, how advertised, and title to, how given.

SEC. 20. The stock or shares of any body corporate established without this state, or of any person whatever in any banking association or any incorporated company within this state, shall be liable to be levied on by execution duly obtained, like other personal property; and such execution being directed to the proper officer according to law, he may levy the same in the manner set forth in the two sections next preceding, upon any stock or shares of the defendant to be found within his precinct, and shall proceed to advertise, and sell, and give deeds thereof, in the manner therein prescribed.

Execution on, how levied.

SEC. 21. Whenever final judgment for any sum shall be rendered by any court against any banking association or any incorporated company, execution on such judgment shall be issued against the goods, chattels, and real estate of such corporation; and whenever any such execution shall be, by the officer charged with the service thereof, returned that he cannot find sufficient property of such corporation whereon to levy the same, the party in whose favor such judgment shall have been rendered may sue out of the clerk's office of the court in which such judgment was rendered a writ of *scire facias* against the president and directors, trustees, managers, or other like officers of such corporation, if any such there be, and if none, then against so many of the stockholders or members thereof as he may think fit; returnable to the next term of such court.

Executions against banking associations or corporations, how to be levied and collected.

SEC. 22. On the return thereof, unless such president and directors, trustees, managers, other like officers, stockholders, or members, shall make it appear that they had not, at the time of the service of such writ of *scire facias*, within their possession and control sufficient property of such corporation to satisfy such judgment or any part thereof, such court shall issue execution against such president, directors, trustees, managers, or other like officers or stockholders, or members, for the amount of such judgment, with interest and costs, as for their own private debt; but if it shall appear that such officers, stockholders, or members had property as aforesaid to satisfy part of such judgment only, then an execution as aforesaid shall issue for such amount only and costs.

Same subject.

SEC. 23. In all levies on execution upon real estate, goods, and chattels, stock, or shares, or other subject of levy on execution whatsoever, he who shall first procure the attachment or levy to be made shall be entitled to have his debt or damages satisfied, before any other demand for which the same may be subsequently attached or levied on by execution at the suit of any other person, and all others in order of their attachments or levies.

Order of satisfaction of executions levied.

SEC. 24. As divers levies of the same real or personal estate may happen to be made on the same day, the officer who shall make any

Time of levy to be set forth in return.

such levy, whether of real or personal estate, shall be obliged in his return to set forth the time of the day when such levy was made, to the end that the priority of the attaching and levying creditors may be known.

Interest on executions, when collectable.

SEC. 25. Every sheriff, deputy sheriff, and town sergeant, charged with the service of any execution issued by the supreme court or court of common pleas, for any debt or damages, shall levy, collect, receive, and pay over, interest on the same debt or damages, from the date so entered on the margin, up to the time of its discharge by him.

Execution against sheriff, how served.

SEC. 26. Whenever judgment shall be rendered against any person holding the office of sheriff, the execution issued thereon, directed in the ordinary form, may be delivered to the sheriff or a deputy sheriff of some other county, who is authorized, within the county of the defendant sheriff, to levy on the goods and chattels and real estate of the defendant, as the proper sheriff of the county might do in other cases, and to proceed and sell the same according to law.

Same subject.

SEC. 27. For want of goods and chattels, and real estate, such sheriff or deputy shall take the body of the defendant sheriff and him commit to the jail in the county of the committing officer, whenever the writ of execution shall command him so to do.

CHAPTER 213.

OF PROCEEDINGS BY AND AGAINST BAIL.

SECTION

1. Power of bail to discharge himself pending original action, how to be exercised.
2. Power of, to discharge himself at any time, how.
3. Principal surrendered to court pending original action; how to be committed, and how long to remain in jail.
4. How committed after final judgment in original action, and how long to remain in jail.
5. Principal committed for want of

SECTION

- bail, or by bail, when entitled to be discharged from jail.
6. Death of principal when discharge of bail.
7. *Scire facias* against bail, and judgment in.
8. *Scire facias* against bail in a justice court, when may be sued out of court of common pleas, and of proceedings in.
9. Limitation of writ of *scire facias*.
10. Remedy of bail against principal.

Power of bail to discharge himself pending action, &c.

SECTION 1. Any person who shall become bail in any civil action, either by giving bail bond to the officer serving the writ therein, or by endorsing such writ, may, during the pendency of the action, discharge himself as bail, by bringing his principal into the court in which the action shall be pending, and there delivering him into the custody of such court.

Power of, to discharge himself at any time, by committing his principal, &c.,

SEC. 2. Such person may also, at any time before final judgment against him, as bail, on *scire facias*, discharge himself as bail in either of the two following modes :

First. By committing his principal to the jail in the county in which he became bail, or in which the original writ was returnable; paying or tendering to the creditor or his attorney the costs, if any, which may have accrued on a writ of *scire facias* against him as bail, and leaving with the keeper of such jail a certified copy of the orig-

inal writ and the officer's return thereon, and giving to the plaintiff, if in this state, or his agent, or his attorney of record, notice in writing, of the time and place of such commitment, within six days after making the same; or,

Sec. 2. By bringing his principal into the court where the writ of *scire facias* against him as bail shall be pending, before final judgment shall be rendered thereon; paying the costs on such writ of *scire facias* to the clerk, and delivering his principal into the custody of such court.

or by bringing his principal into court, &c.

Sec. 3. If the principal shall be surrendered by his bail to the court in which the original action is pending, he shall be by such court committed to jail, and there remain to be taken in execution, or to be discharged in the same manner as though committed for want of bail in the first instance; and he shall remain in jail in like manner if committed by his bail before final judgment be rendered in such action.

Principal surrendered to court, how, and how long to be committed, &c.

Sec. 4. If the principal shall be committed by the bail to jail after such final judgment, or if, being surrendered by his bail to the court before which *scire facias* is pending against the bail, he shall be committed by such court to jail, he shall there remain for the space of thirty days, unless sooner discharged by order of law.

How committed, and how long to remain, after final judgment, &c.

Sec. 5. If the principal be not taken in execution within thirty days after final judgment against him when committed for want of bail, or when committed by his bail, or by the court to which his bail shall have surrendered him before such final judgment, or, within thirty days after he shall have been committed by his bail, or by the court to which his bail shall have surrendered him, pending *scire facias* against his bail, such principal shall be discharged from jail upon payment of prison fees.

Principal committed, &c., when entitled to be discharged.

Sec. 6. The death of the principal before the return day of the execution against him shall discharge the bail.

Death of, a discharge of bail.

Sec. 7. Whenever the principal shall avoid, so that his goods and chattels or real estate cannot be found to satisfy the execution, nor his body be found to be taken thereby, the plaintiff in the original writ may sue out his writ of *scire facias* against the bail, from the same court wherein final judgment was rendered against the principal, returnable to the term of court which shall commence next after twenty days after such writ shall be served; and in case no legal cause be shown to the contrary, judgment shall be given against the bail for the debt or damages and costs recovered against the principal, with interest and costs, and execution shall be awarded accordingly.

Of *scire facias* against bail, and judgment in.

Sec. 8. The plaintiff in any suit wherein judgment shall be rendered at any justice court, and the amount of debt, costs, and interest due upon such judgment shall exceed one hundred dollars, shall be entitled to his writ of *scire facias* against the bail from the court of common pleas in the county in which such judgment shall be rendered; upon which writ the proceedings shall be the same in all respects as if the judgment had been rendered in said court of common pleas.

Of suing out of, against bail, in a justice court, and of proceedings in.

Sec. 9. No writ of *scire facias* shall be served upon the bail unless it be within two years next after the entering up of final judgment against the principal: *Provided*, that if by reason of the absence of the bail from the state, service of the writ of *scire facias* could not have been made within the time before mentioned, the said writ may be served at any time within two years next after the return of the bail into the state.

Limitation of writ of *scire facias*.

Remedy of bail against principal.

SEC. 10. The bail may have remedy by action on the case against his principal, for all damages sustained by his becoming bail.

CHAPTER 214.

OF IMPRISONMENT OF DEBTORS, AND OF JAIL LIMITS AND JAIL BONDS.

SECTION

1. Liberty of the jail yard, in what cases, and on what conditions granted.
2. Bond in such cases, how given and the condition thereof.
3. Where prisoner may go upon giving bond.
4. How long to have liberty of the yard, if committed on execution, unless an assignment is executed.
5. Liability and duty of the keeper of the jail under such assignment.
6. What, in certain cases, deemed an escape.
7. Right of surety in such bond to

SECTION

- surrender his principal; effect of, on principal and surety.
8. Judgment on bond, for what to be rendered.
9. Limitation of action on bond.
10. Note of cause of action to be made on execution, and also by officer in his commitment.
11. Effect of neglect to make such note, on the liability of the keeper.
12. Assignments during imprisonment, when void.
13. Bonds, &c., for ease of prisoner, void.
14. Limits of jail yards.

Liberty of jail yard, in what cases, and on what conditions granted.

SECTION 1. Whenever any person shall be imprisoned for want of bail in any civil action; or upon surrender or commitment by bail in any such action; or for non-payment of any military fine, or state or town tax; or on execution in any civil action (except on executions awarded in actions on penal statutes or on bonds given in pursuance of the provisions of this chapter, or in any actions of trover, detinue, or trespass, other than trespass *quare clausum fregit*, in which title to the close was in dispute between the parties, and trespass and ejection, or in an action prosecuted by bail against his principal), the sheriff or keeper of the jail may grant to such person a chamber or lodging in any of the houses or apartments belonging to such jail, and liberty of the yard within the limits thereof, upon reasonable payment to be made for chamber room, and upon bond being given by such person as hereinafter provided.

Bond in such cases, how given, and the condition thereof.

SEC. 2. Such person shall first leave with such sheriff or keeper of the jail a bond to the creditor, with two or more sufficient sureties, being inhabitants of this state, bounden jointly and severally at least in double the sum for which he is imprisoned, with condition in form following: "That if the above now a prisoner in the jail in within the county of at the suit of shall from henceforth continue to be a true prisoner in the custody, guard, and safe keeping of keeper of the said jail, and in the custody, guard, and safe keeping of his deputy, officers, and servants, or some one of them, within the limits of the said jail, and keeping the said jailer advised of the place of his usual residence and abode therein, until he shall be lawfully dis-

charged, without committing any manner of escape or escapes, during the term of his restraint, then this obligation shall be void, or else shall remain in full force and virtue."

SEC. 3. Any person confined in any jail who may give bond as aforesaid, may go into any building or place within the exterior limits of the yard, complying with such bond and conforming to law.

Where prisoner may go, upon giving.

SEC. 4. No person committed on execution shall have the liberty of the prison yard for more than thirty days after his said commitment, unless he shall within the said thirty days execute an assignment of all his estate of every kind not exempted from attachment by law, and wherever the same may be, to such keeper of said jail, and his successor in said office, and his heirs and assigns, in trust for the equal benefit of all his creditors in proportion to their demands.

How long to have liberty of yard, if committed on execution, if assignment not executed.

SEC. 5. The keeper receiving an assignment as aforesaid shall not be held responsible to any person for any property of any assignor, except such as he has actually received into his possession: *Provided*, he shall assign all the interest he shall obtain thereby to the committing creditor, if a resident of this state, upon his request, or to such person, being a resident thereof, as such creditor shall name, to be held by such creditor or person so named, his heirs, executors, administrators, and assigns, for the purposes and uses set forth in said deed, and a record of such assignment and of said transfers shall be made by said keeper.

Liability and duty of the keeper of the jail under such assignment.

SEC. 6. If any person so committed shall neglect to render himself to the keeper of the jail, in said jail, within said thirty days, or make an assignment as hereinbefore provided, he shall be deemed to have committed an escape under his bond for the liberty of the prison yard.

What, in certain cases, deemed an escape.

SEC. 7. Every person who shall become surety in any bond given by any debtor for the liberty of the jail yard as aforesaid shall have a right at any time to deliver up the principal in such bond to the sheriff of the county in which such debtor may have been committed, or to the keeper of the jail therein, and within such jail; whereupon he shall be detained by such sheriff or keeper in close jail, in the same manner as though he had not been liberated on bond, until he shall give other bond according to the provisions of this chapter, or be otherwise discharged according to law; and none of the sureties, after the principal has been delivered up as aforesaid, shall be liable for any escape thereafter committed by the principal.

Right of surety in such bond to surrender his principal; effect of, on principal and surety.

SEC. 8. If the creditor shall obtain judgment on such bond for the breach of the condition thereof, he shall recover his just debt, with interest from the time judgment was rendered in the original suit, and twelve per cent. interest on such debt for his damages; and the court shall render judgment thereon accordingly.

Judgment on bond, for what to be rendered.

SEC. 9. No action shall be maintained for the breach of any bond given for the liberty of the jail yard as aforesaid, unless the same be brought within one year after the time such breach was committed.

Limitation of action on.

SEC. 10. Every trial justice and the clerk of any court, issuing an execution against any person, shall note on the margin thereof the cause of action on which the same issued; to the end that the keeper of the jail may ascertain whether such person, if committed, be entitled to the liberty of the jail yard; and every officer committing any person to jail on such execution shall note in his commitment the cause of action on which the execution is founded, according to the note or memorandum of the trial justice or clerk.

Note of cause of action to be made on execution, and by officer in his commitment.

SEC. 11. If no such memorandum be made by such justice or

Effect of neglect to make, on liability of keeper.

clerk on any execution, or if the officer shall not note the same in his commitment, the keeper of the jail shall be held harmless if he permit the person committed to have the liberty of the jail yard, or discharge him, on his producing a certificate of having taken the oath prescribed by law for poor debtors.

Assignments during imprisonment, when void.

SEC. 12. All assignments, transfers, and conveyances of property made by a debtor during his imprisonment for the payment or security of any debt, except that of the committing creditor, shall be utterly void, unless made for the benefit of all his creditors in proportion to their respective demands.

Bonds, &c., for ease of prisoner, void.

SEC. 13. If any sheriff, deputy sheriff, town sergeant, constable, or keeper of any jail shall take or receive from any prisoner in his custody any bond, obligation, covenant, promise, or assurance whatever, to indemnify and save harmless the person taking the same, for the enlargement or ease of such prisoner, in any other form or manner than is prescribed by law for taking bail on meane process in a civil action, or is prescribed in this chapter, every such bond, obligation, covenant, promise, or assurance whatever, shall be utterly void.

Limits of jail yards.

SEC. 14. The limits of each county shall be the limits of the jail yard thereof.

CHAPTER 215.

OF THE RELIEF OF POOR DEBTORS.

Relief of debtors imprisoned.

SECTION

1. Persons imprisoned for debt may apply for relief, to whom and in what cases.
2. Citation to creditor on such application.
3. Citation, how served.
4. Board of prisoner, in case of personal service, when and to whom to be paid.
5. Officer's return, what to set forth.
6. Board in case of service by copy, when and to whom to be paid.
7. Future board, when, to whom, and how long to be paid.
8. Duty of keeper upon default in payment of board.
9. Board paid to be added to costs, and to be paid by prisoner.
10. Proceedings on hearing of citation, and when and by whom oath may be administered.
11. Form of oath.
12. Form of certificate of oath, and by whom given.
13. Duty of keeper on receiving such certificate.

SECTION

14. Prisoner not to be detained for fees.
15. Liability of keeper under assignment from person allowed the oath.
16. Persons excepted from the provisions of the first section.
17. When debtor is not entitled to another citation.

Relief before the court.

18. When oath may be administered by court before which action is pending.
19. Application for citation, to whom made.
20. How served and returned.
21. Hearing on such citation.
22. Execution, how to run if oath is administered.

Relief of debtors liable to imprisonment on execution.

23. Defendant in execution or liable to be committed, &c., may apply for citation to his creditor.
24. Citation, how served.

SECTION	SECTION
25. Proceedings upon return of such citation.	this chapter, and what the effect of a discharge.
26. Effect of taking the oath in such case.	30. Who may adjourn the hearing on a citation.
27. Certificate of oath, how and by whom given.	31. Members of Narragansett tribe, within the provisions of this chapter.
28. Assignments, when and to whom to be made, and copies where to be filed.	32. Persons imprisoned or liable to be imprisoned on suit of state, when entitled to citation.
29. Who deemed the creditor under	33. Citation how served, and effect of.

Relief of debtors imprisoned.

SECTION 1. Any person who shall be imprisoned for debt, whether on original writ, mesne process, or execution, or for non-payment of military fine, or town or state taxes, or on execution awarded against him as defendant in any action of trespass and ejection, or trespass *quare clausum fregit*, in which title to the close was in dispute between the parties, may complain to any justice of the supreme court, or to any justice of the peace in the county where such person shall be committed, that he has no estate, real or personal, wherewith to support himself in jail, or to pay jail charges, and may request to be admitted to take the poor debtor's oath.

Persons imprisoned for debt, may apply for relief, to whom, and in what cases.

SEC. 2. Such justice shall forthwith issue a citation to the creditor, if within this state, or if such creditor does not live within this state, then to his agent or attorney of record within this state, or if he has no such agent or attorney, then to such creditor without the state, to appear at such time and place as the said justice shall appoint, to show cause, if any he have, why the person complaining as aforesaid should not be admitted to take such oath.

Citation to creditor on such application.

SEC. 3. The citation shall be served on the creditor, his agent, or attorney as aforesaid, seven days at least before the time appointed as aforesaid, by reading the same to him, or by leaving an attested copy at his last and usual place of abode, by the sheriff, his deputy, or either of the town sergeants or constables in the county in which such creditor, his agent, or attorney shall reside. If such creditor does not live or have any agent or attorney within this state, such service shall be made upon the creditor by any disinterested person.

Citation, how served.

SEC. 4. Such creditor, his agent, or attorney as aforesaid shall, if personally served with such citation, upon reasonable demand therefor pay to the officer serving the same the sum of three dollars for the past and future board of such prisoner, in full to the return day of such citation, which sum the officer shall immediately pay over to the keeper of the jail to which such prisoner is committed.

Board of prisoner, when and to whom to be paid.

SEC. 5. The officer or such disinterested person serving any creditor, his agent, or attorney, with a citation by personal service, shall set forth in his return thereon, that he has demanded as aforesaid of the person so served, the sum of money for the past and future board of such prisoner provided by law, and that the person so served has paid, or neglected and refused to pay the same, as the case may be: and unless it appear by the return of the officer or such disinterested person upon the citation, that the money has been so demanded and refused, the prisoner shall not be entitled to his discharge. If such service be made by a disinterested person, he shall verify his return under oath before some person authorized to administer oaths.

Officer's return, what to set forth.

Board, when to be paid, if service made by copy.

SEC. 6. If service of the citation is made by leaving a copy thereof, the person served therewith shall pay the sum as aforesaid to the keeper of such jail, within twenty-four hours after such service.

Future board, when, to whom, and how long to be paid.

SEC. 7. The creditor, his agent, or attorney as aforesaid shall, in addition, pay to the keeper of such jail the sum of three dollars per week for the future board of such prisoner, counting the first week for such last mentioned payment from and including the day on which such citation is made returnable; which payment in advance shall continue thereafter to be made by such creditor, during the time such prisoner shall be detained at his suit.

Duty of keeper upon default in payment of board.

SEC. 8. In case of any default on the part of such creditor, his agent, or attorney to make such payment, the keeper of such jail shall discharge such prisoner from jail, stating in his formal discharge on the jail book the reason thereof: *Provided*, that no prisoner shall be discharged by reason of such default who has been refused the poor debtor's oath, and who shall, at the time of such default, have the liberty of the jail yard.

Board paid, to be added to costs and paid by prisoner.

SEC. 9. The amount paid by the creditor for the board of the person imprisoned at his suit shall be added to and form a part of the costs of commitment and detention, and as such costs shall be paid by the prisoner in the then existing or any future proceeding which may be lawfully instituted against him for the recovery of the debt and costs of such suit.

Proceedings on hearing of citation, and when and by whom oath may be administered.

SEC. 10. Any justice of the supreme court, or any trial justice in the county where the prisoner is committed, may at the time and place appointed examine the return of such citation, and if it shall appear to have been duly served, may administer the oath herein-after prescribed to the party imprisoned as aforesaid, if, after fully examining the prisoner under oath, and hearing the parties, the said justice shall think it proper so to do: *Provided*, such applicant shall then and there first make and execute a deed of assignment of all his estate of every kind, and wherever the same may be, except what is exempted from attachment by law, to such keeper and his successor in his such office, and his heirs and assigns in trust, for the benefit of all his creditors in proportion to their respective demands.

Form of oath.

SEC. 11. The oath to be administered in such a case shall be as follows: I do solemnly swear (or affirm) that I have not any estate, real or personal, in possession, remainder, or reversion over ten dollars (or except what is exempt from attachment by law), and that I have not, since the commencement of this suit against me, or at any other time, directly or indirectly, sold, leased, or otherwise conveyed or disposed of to, or intrusted any person or persons whomsoever with, all or any part of the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive, or to expect any profit or advantage therefrom, for myself, or for any of my children or family, or any other person; or have caused or suffered to be done anything else whatsoever, whereby any of my creditors may be defrauded; so help me God: (or, this affirmation I make and give upon peril of the penalty of perjury.)

Form of certificate of oath, and by whom given.

SEC. 12. Such oath being administered and taken by said prisoner, the justice shall deliver to him a certificate thereof, under his hand and seal, in the following form:—

To _____ keeper of the jail at _____ in the county of _____
I, the subscriber, authorized by the statute in such case

made and provided, do certify, that a poor prisoner confined upon mesne process (or otherwise as the case may be), in the prison at aforesaid, has caused the party at whose suit he was so confined, to be notified according to law, of his the said desire of being admitted to take the poor debtor's oath; that in my opinion the said has not any estate, either real or personal, except what is exempt from attachment by law (or over ten dollars, as the case may be); and that he has not conveyed or concealed his estate with design to secure the same to his own use, or to defraud his creditors; and that I have, after due caution to the said administered to him the oath (or affirmation), prescribed by law to be administered to poor debtors.

Witness my hand and seal this day of A. D.

{ Justice of the supreme court, or
trial justice of the justice court
of [insert the name of the town].

SEC. 13. Whenever any prisoner shall present such a certificate as is prescribed in the next preceding section to the keeper of the jail in which he is imprisoned, such keeper shall forthwith discharge him from his commitment at the suit of the creditor named therein.

Duty of keeper on receiving such certificate.

SEC. 14. No person who has been admitted to take the oath aforesaid shall be retained in jail for the prison fees, or for the fees of the justice before whom he may have taken such oath.

Prisoner not to be detained for fees.

SEC. 15. No keeper of any jail receiving an assignment under the tenth section of this chapter shall be held responsible to any person for any property of any assignor, except such as he has actually received into his possession: *Provided*, he shall assign all the interest he shall obtain thereby to the committing creditor, if a resident of this state, on his request, or to such person being a resident thereof as such creditor shall name; to be held by such creditor or person, his heirs, executors, administrators, and assigns, for the purposes and trusts set forth in said deed.

Liability of keeper under assignment, from person allowed the oath.

SEC. 16. No person who shall be committed on execution awarded against him as plaintiff in replevin, or as defendant in any action on a penal statute, or in any action of trover or detinue, or for any malicious injury to the person, health, or reputation of the plaintiff in such suit, or for seduction, or for any trespass excepting only such as are particularly named in the first section hereof, shall be deemed to be within the meaning of the provision of that section, or entitled to be admitted to take the oath as aforesaid.

Persons exempted from the provisions of the first section.

SEC. 17. If a debtor take out a citation to his committing creditor, and has the same served, and subsequently withdraws the same, or if upon trial he shall not be admitted to take the oath above prescribed, he shall not be entitled to another citation to the same creditor unless on proof of some change of circumstances after the taking out of the first citation; which change of circumstances shall be annexed to or recited in the second citation and form a part thereof.

When debtor is not entitled to another citation.

Relief before the court.

SEC. 18. The court before which any action is pending for the recovery of any debt or demand, for which the defendant, if committed to jail thereon, would be entitled to be admitted to take the oath aforesaid, may administer the said oath to the defendant as hereinafter provided.

Of administering oath by court where action is pending.

Application for citation, to whom made.

SEC. 19. The defendant, in such case, may apply to any justice court, in the county in which he resides, for a citation to the creditor to appear at the court in which such action is pending, to show cause why the defendant should not be admitted to take said oath.

How served and returned.

SEC. 20. Such citation shall be served by any sheriff, deputy sheriff, town sergeant, or constable, at least four days before the time therein appointed for taking said oath, by reading the same to the plaintiff, or by leaving an attested copy thereof at his last and usual place of abode in this state; and such citation shall be returned to the court in which such action is pending. If the plaintiff does not reside in this state, service of such citation may be made in like manner upon the agent or attorney of record of the plaintiff, in this state.

Hearing on such citation.

SEC. 21. If it shall appear to the court in which the said action is pending that notice has been given as before provided, such court shall examine the defendant on his oath concerning his estate and effects and the disposal thereof, and may also receive any other evidence offered by the defendant or the plaintiff; and upon such examination the court may, in its discretion, administer to the defendant the said oath.

Execution, how to run if oath administered.

SEC. 22. If said oath be administered, the execution which may be issued against the defendant in such action shall run against the goods and chattels, or real estate of the defendant, and not against his body.

Relief of debtors liable to imprisonment on execution.

Defendant in execution, &c., may apply for citation to his creditor.

SEC. 23. Every defendant in any execution, who would, if committed to jail thereon, and every person against whom final judgment has been rendered in any civil action, who would, if committed to jail on execution to be issued thereon, be entitled to be admitted to take the oath aforesaid, may apply in the manner hereinbefore mentioned for a citation to his creditor, to show cause why he should not be admitted to take said oath.

Citation, how served.

SEC. 24. Such citation shall be served in the same manner as is provided in the twentieth section of this chapter.

Proceedings upon return of such citation.

SEC. 25. Upon the return of such citation, the magistrate authorized to administer said oath by section ten of this chapter, in the county in which such defendant is liable to be imprisoned, may administer such oath to the defendant, if upon examination of the defendant on oath, and of such other evidence as either party may produce, he may think proper.

Effect of taking the oath in such case.

SEC. 26. If the defendant be admitted to take such oath, he shall thereafter be exempt from imprisonment on said execution or any future execution that may be issued on such judgment; and execution on such judgment shall issue only against the goods and chattels and real estate of the said defendant.

Certificate of oath, how and by whom given.

SEC. 27. The justice administering the oath aforesaid, pursuant to the provisions of the twenty-fifth section of this chapter, shall give a certificate to that effect under his hand and seal to the said defendant. In all cases, the justice who commences the examination of the prisoner under the provisions of this chapter shall alone have the power to sign and seal the certificate of his discharge.

Assignments, when and to whom to be

SEC. 28. Whenever the oath aforesaid shall be administered to any defendant under the provisions of the ten sections next preceding, he shall then and there make an assignment of all his estate, real

and personal, not exempted from attachment by law, to some responsible inhabitant of this state, his heirs and assigns, to be approved by the magistrate administering said oath, in trust for the benefit of all his creditors in proportion to their demands, and a copy of which assignment shall be filed by the assignee in the office of the clerk of the court issuing such execution.

made, and copies, where to be filed.

SEC. 29. The person to whom the debt appears by the process to belong at the time complaint is made shall be deemed the creditor within the meaning of the provisions of this chapter. Neither the commitment of the prisoner nor his discharge shall be a satisfaction of the debt for which he was committed. If committed on execution, the plaintiff may take out another execution, which shall not however run against the body of the defendant. If suit be brought on the judgment, execution in such suit shall not run against the body of the defendant, nor shall the defendant be held to bail on the writ in such case. If the defendant be committed on mesne process, when he receives a certificate as aforesaid, if that fact be shown by plea to the court before whom the action is pending, then execution shall not issue against the body of the defendant; but in all such cases, execution shall issue against the goods and chattels and real estate of such defendant.

Who deemed the creditor under this chapter, and what the effect of a discharge.

SEC. 30. Any justice of the supreme court, or any trial justice or justice of the peace in the same county, who shall be present at the time and place to which any citation in behalf of any poor prisoner issued under the provisions of this chapter shall be duly returned, may, in the absence of another magistrate, adjourn the hearing thereon to any other time or place, as he may think proper, with the same effect as if another justice were present.

Who may adjourn the hearing on a citation.

SEC. 31. Any one of the Narragansett tribe of Indians committed to jail for debt, upon mesne process or execution, shall be considered as a poor prisoner, within the true intent and meaning of this chapter, notwithstanding such prisoner may have estate, real or personal, in common with the said tribe; and shall be entitled to and may receive all the benefits and advantages hereof.

Members of Narragansett tribe, within provisions of this chapter.

SEC. 32. Every person imprisoned, or liable to be imprisoned, in any suit in favor of the state, entitled to the oath prescribed in the eleventh section of this chapter, may apply for and have a citation to the state, to show cause why he should not be admitted to take such oath.

Of citation of persons imprisoned, &c., at suit of state.

SEC. 33. Such citation shall be issued to and served upon the attorney-general, in the same manner and with the same effect as is provided in the case of creditors other than the state, except that no board need be demanded or paid.

Citation, how served, and effect of.

CHAPTER 216.

OF POOR TORT DEBTORS.

SECTION

- 1. Persons imprisoned in actions on penal statutes, &c., entitled to citation.
- 2. Citation, when and to whom issued.
- 3. What the citation shall set forth.

SECTION

- 4. How it shall be served.
- 5. Duty of keeper, if board is not paid.
- 6. Board paid in such case to form a part of costs of commitment.

Persons imprisoned in actions on penal statutes, &c., entitled to citation.

SECTION 1. Any person who shall be imprisoned upon original writ, mesne process, execution, or surrender, or commitment by bail in any action on penal statutes, or in any action of trover, detinue, trespass, trespass and ejectment, or trespass *quare clausum fregit*, in which the title to the close was not in dispute between the parties, or in any action of the case for words spoken, and who shall complain, on oath, to the keeper of the jail in which he is imprisoned, that he has no estate, real or personal, wherewith to support himself in jail or pay jail charges, shall be entitled to a citation as hereinafter provided.

Citation, when and to whom issued.

SEC. 2. If such keeper shall believe such complaint to be true, he shall forthwith issue a citation under his hand and seal to the plaintiff at whose suit the complainant is imprisoned, if the plaintiff resides in this state, or if he does not reside within this state, then to his agent or attorney of record, or if he have no agent or attorney of record, then to the person who endorsed the plaintiff's writ as surety.

What the citation shall set forth.

SEC. 3. Such citation shall set forth that such prisoner has made complaint as aforesaid, and that such prisoner will be discharged unless the sum of three dollars per week be within ten days from the time of the service of such citation paid to the said keeper in advance, for the board of such prisoner, reckoning such board from the expiration of said ten days after such service, which payment in advance shall continue to be made by such creditor during the time such prisoner shall be detained at his suit.

How served.

SEC. 4. Such keeper, upon issuing the citation, shall, at the expense of the state, cause service thereof to be made by the sheriff, his deputy, or any town sergeant or constable, on the person to whom such citation shall be directed as aforesaid, by reading the same to him in his presence and hearing, or by leaving a true and attested copy thereof at his last and usual place of abode.

Duty of keeper, if board not paid.

SEC. 5. In case of default made in payment of such prisoner's board, as required in the third section of this chapter, the keeper shall discharge such prisoner from jail, stating in his formal discharge on the jail book the reason therefor.

Board paid to form part of costs of commitment.

SEC. 6. The amount thus paid by the creditor, for the board of the prisoner so imprisoned at his suit, shall be added to and form a part of the costs of commitment and detention, and as such costs shall be paid by the prisoner in the then existing or any future proceedings which may be lawfully instituted against him for the recovery of the debt and costs of such suit.

TITLE XXIX.

OF PROCEEDINGS IN SPECIAL CASES.

CHAPTER 217. Of *habeas corpus*.

CHAPTER 218. Of dower, action of dower, and of jointure.

CHAPTER 219. Of partition of estates in common and joint tenancy, and of other actions concerning such estates.

CHAPTER 220. Of waste, action of waste, and writs of estrepement.

CHAPTER 221. Of the action against tenants, and of notices to quit.

CHAPTER 222. Of trespasses.

CHAPTER 223. Of proceedings in forcible entry and detainer.

CHAPTER 224. Of replevin.

CHAPTER 225. Of account.

CHAPTER 217.

OF HABEAS CORPUS.

SECTION

1. General right to *habeas corpus*.
2. Persons in jail who are not entitled to it.
3. Application for, to whom and how made.
4. Form of writ.
5. How signed and tested.
6. How returned.
7. Time of return.
8. Return of officer, what to state.
9. Return, how signed, and when to be sworn to.
10. Person returning, when to bring the body.
11. Return, in case he cannot, and proceedings thereupon.
12. Examination upon return.
13. Of notice to party, in case of detention in civil process.
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15. Of pleading to return, evidence, and power of court over the applicant.
16. Applicant for, when to be discharged.
17. When to be bailed, and when remanded with amount of bail fixed, in criminal cases.
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SECTION

19. What to be done if applicant is not entitled to be bailed.
20. Court or justice, when may bail or remand.
21. Penalty upon officer for refusing copy of process of detention.
22. Power of court to enforce obedience to by proceedings in contempt.
23. Attachment for contempt, how directed and served.
24. Process to enforce the bringing of the body, and proceedings on.
25. Penalty for refusal to receive and execute writ of *habeas corpus*.
26. Penalty for eluding, by removal of body.
27. Penalties, no bar to common law remedies.
28. Effect of discharge in future imprisonment.
29. Saving of power of supreme court and justices of, to bail.
30. Persons committed for crime, by whom to be bailed, and of power of justices to issue *habeas corpus*, in order to.
31. Saving of powers of courts to issue *habeas corpus* to bring up prisoners for trial, and persons as witnesses.

SECTION 1. Every person imprisoned in any common jail, or otherwise restrained of his liberty, by any officer or other person, except in cases mentioned in the following sections, may prosecute a writ of *habeas corpus*, according to the provisions of this chapter, to obtain relief from such imprisonment or restraint, if it shall prove to be unlawful.

General right to *habeas corpus*.

SEC. 2. The following persons confined in any jail shall not be entitled as of right to demand and prosecute said writ: —

First. Persons convicted of treason against this state, murder, rape, robbery, arson, burglary, or as accessories before the fact in either of those crimes, or committed on suspicion of being guilty of either

Persons in jail who are not entitled to.

of those crimes, or as accessories thereto before the fact, when the cause is plainly and specifically expressed in the warrant of commitment.

Second. Persons convicted, or in execution upon legal process, civil or criminal.

Third. Persons committed on mesne process in any civil action on which they were liable to be arrested and imprisoned, unless when excessive and unreasonable bail is required.

Application
for, to whom
and how made.

SEC. 3. Application for such a writ shall be made to the supreme court, if in actual session in any county, and if not, to any justice of said court, by complaint in writing, signed by the party for whose relief it is intended, or by some person in his behalf, setting forth, —

First. The person by whom, and the place where the party is imprisoned or restrained; naming the prisoner and the person detaining him, if their names are known, and describing them if they are not known.

Second. The cause or pretence of such imprisonment or restraint, according to the knowledge and belief of the person applying.

Third. If the imprisonment or restraint is by virtue of any warrant or other process, a copy thereof shall be annexed, or it shall be made to appear that a copy thereof has been demanded and refused, or that for some sufficient reason a demand of such copy could not be made; and

Fourth. The facts set forth in the complaint shall be verified by the oath of the person making the application, or by that of some other credible witness; which oath may be administered by the court or justice to whom the application is made, or by any justice of the peace, or notary public.

Form of writ.

SEC. 4. The court or justice to whom such complaint shall be made shall, without delay, award and issue a writ of *habeas corpus*; if against any sheriff or deputy sheriff of this state, or against the keeper of any jail or prison in this state, or against any marshal or deputy marshal of the United States, it shall be substantially of the following form:—

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. To _____ greeting:

We command you, that the body of _____ of _____ in our prison, in your custody (or, by you imprisoned or restrained of his liberty, as the case may be), as it is said, together with the day and cause of his taking and detaining, by whatsoever name the said _____ shall be called or charged, you have before our supreme court, holden at _____ within and for the county of _____ (or some justice thereof, as the case may be), immediately after the receipt of this writ, to do and receive what our said court (or justice thereof, as the case may be) shall then and there consider concerning him in this behalf; and have there this writ. Witness, Esq., at _____ this _____ day of _____ in the year _____

Clerk.

And if not against such officer, it shall be substantially in the following form:—

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. To the sheriffs of our several counties and their deputies _____ greeting:

We command you, that the body of _____ of _____ by _____ of _____ imprisoned or restrained of his liberty, as

it is said, you take and have before our supreme court, holden at
 within and for the county of (or some justice
 thereof, as the case may be), immediately after the receipt of this
 writ, to do and receive whatever said court (or some justice thereof,
 as the case may be) shall then consider concerning him in this behalf;
 and summon the said then and there to appear before our
 said court (or some justice thereof, as the case may be), to show the
 cause of the taking and detaining of the said and have
 you there this writ with your doings thereon. Witness at
 this day of in the year

Clerk.

SEC. 5. When the writ is issued by the supreme court in session, it shall be signed by the clerk and tested like other writs in this state; when issued by a justice, it shall be signed by him. How signed and tested.

SEC. 6. If the court to which the writ is returnable shall be adjourned before its return, the return shall be made before any one of the justices of said court. If issued by a single justice, and the court shall be in session before its return, he may and shall adjourn the case into court, to be there heard and determined in like manner as if it had been returned into the court. How returned.

SEC. 7. Any person to whom the writ is directed shall receive it, and upon payment or tender of charges, if any be demandable for the execution of it, he shall make due return thereof. Time of return.

SEC. 8. If the writ be directed to any sheriff, deputy sheriff, keeper of any jail, marshal, or deputy marshal, as herein provided, such officer shall state in his return thereon:— Return of officer, what to state.

First. Whether he has or has not the party in his custody or power, or under restraint.

Second. If he has the party in his custody or power, or under restraint, he shall set forth at large the authority, and the true and whole cause of such imprisonment or restraint, with a copy of the writ, warrant, or other process, if any, upon which the party is detained; and

Third. If he has had the party in his custody or power, or under restraint, and has transferred such custody or restraint to another, he shall state particularly to whom, at what time, for what cause, and by what authority such transfer was made. If the writ be directed to no such officer, the person summoned shall state the same particulars in writing to the court or justice before whom the writ is returnable.

SEC. 9. The return or statement shall be signed by the person making it, and it shall also be sworn to by him, unless he be a sworn public officer, and shall make the return in his official capacity. Return, how signed, and sworn to.

SEC. 10. The person who makes the return or statement shall at the same time bring the body of the party, if in his custody or power, or under his restraint, according to the command of the writ, unless prevented by the sickness or infirmity of the party. Person returning, when to bring body, &c.

SEC. 11. Whenever from the sickness or infirmity of the party, he cannot, without danger, be brought to the place appointed for the return of the writ, that fact shall be stated in the return; and if it be proved to the satisfaction of the court or justice, the said court or either justice thereof may proceed to the jail or other place where the party is confined, and there make the examination; or may adjourn the same to another time, or may make such other order in the case as law and justice shall require. Return, in case he cannot, and proceedings thereupon.

SEC. 12. When the writ of *habeas corpus* is returned, the court or justice shall, without delay, proceed to examine the causes of the im- Examination upon return.

prisonment or restraint; but the examination may be adjourned from time to time as circumstances may require.

Of notice to party, in case of detention in civil process.

SEC. 13. Whenever it appears from the return of the writ or otherwise, that the party is detained on any process under which any other person has an interest in continuing his imprisonment or restraint, the party shall not be discharged until sufficient notice shall have been given to such other person or his attorney, if within the state, or within thirty miles of the place of examination, to appear and object to such discharge if he thinks fit; which notice shall be given by the party imprisoned, in the manner prescribed by the court or justice; or in default thereof he shall be remanded to the custody of the person against whom the writ of *habeas corpus* issued.

Of notice to attorney-general, in case of detention on criminal process.

SEC. 14. Whenever it appears from the return of the writ or otherwise, that the party is imprisoned on any criminal accusation, he shall not be discharged until sufficient notice shall have been given to the attorney-general, or to the complainant in the matter, that he may appear and object to the discharge, if he thinks fit; which notice shall be given by the party imprisoned, in the manner prescribed by the court or justice; or, in default thereof, he shall be remanded to the custody of the person against whom the writ of *habeas corpus* issued.

Of pleading to return, evidence, and power of court over the applicant.

SEC. 15. The party imprisoned or restrained may deny any of the facts set forth in the return or statement, and may allege any other facts that may be material in the case; and the court or justice shall proceed in a summary way to examine the causes of imprisonment or restraint, and to hear the evidence that may be produced by any person interested and authorized to appear, both in support of such imprisonment or restraint and against it, and thereupon to dispose of the party as law and justice shall require.

Applicant for, when to be discharged.

SEC. 16. If no legal cause can be shown for the imprisonment or restraint, the court or justice shall discharge the party therefrom.

When to be bailed, and when remanded, &c.

SEC. 17. If the party is detained for any cause or offence for which he is bailable of right, he shall be admitted to bail if sufficient bail be offered; and if not, he shall be remanded, with an order of the court or justice, expressing the sum in which he shall be held to bail, and the court at which he shall be required to appear; and any justice of the peace authorized thereto may, at any time before the sitting of said court, bail the party pursuant to such order.

Amount of bail, when to be fixed in civil cases.

SEC. 18. If the party is committed on mesne process in any civil action, for want of bail, and if it shall appear that the sum for which bail is required is excessive and unreasonable, the court or justice shall decide what bail is reasonable, and shall order, that on giving such bail the party shall be discharged.

Proceedings, if applicant not entitled to be bailed.

SEC. 19. If the party is lawfully imprisoned or restrained and is not entitled to be enlarged on giving bail, he shall be remanded to the person from whose custody he was taken, or to such other person or officer as by law is authorized to detain him.

Court or justice, when may bail or remand.

SEC. 20. Until judgment be given, the court or justice may remand the party, or may bail him to appear from day to day, or may commit him to the sheriff of the county, or place him under such other care and custody as the circumstances of the case may require.

Penalty upon officer refusing copy of process, &c.

SEC. 21. Every officer who shall refuse or neglect, for six hours, to deliver a true copy of the warrant or process, by which he detains any prisoner, to any person who shall demand such copy, and tender the fees therefor, shall forfeit and pay to such prisoner the sum of one hundred dollars.

SEC. 22. If any person to whom such writ of *habeas corpus* shall be directed shall refuse to receive the same, or shall neglect to obey and execute it according to the provisions of this chapter, and no sufficient excuse shall be shown for such refusal or neglect, the court or justice before whom the writ is returnable shall proceed forthwith, by process of attachment as for a contempt, to compel obedience to the writ, and to punish the person guilty of the contempt.

Power of court to enforce obedience to, by proceedings in contempt.

SEC. 23. If such attachment shall be issued against a sheriff or his deputy, it may be directed to any town sergeant, or to any other person, to be designated therein, who shall have full power to execute the same; and if the sheriff or deputy should be committed upon such process, he may be committed to the jail of any other county than his own.

Attachment for contempt, how directed and served.

SEC. 24. Upon such refusal or neglect of the person to whom the writ of *habeas corpus* is directed, the court or justice may also issue a precept to any officer or other person designated therein, commanding him to bring forthwith before such court or justice the person for whose benefit the writ of *habeas corpus* was issued; and the prisoner shall be thereupon discharged, bailed, or remanded, in like manner as if he had been brought in upon the writ of *habeas corpus*.

Of process to enforce the bringing of the body, and proceedings on.

SEC. 25. Every person guilty of such refusal or neglect to receive and execute a writ of *habeas corpus* shall moreover forfeit and pay to the party aggrieved thereby, a sum not exceeding one thousand dollars.

Penalty for refusal to receive and execute writ of *habeas corpus*.

SEC. 26. If any one who has in custody or under his power any person entitled to any writ of *habeas corpus*, whether any writ has issued or not, shall, with intent to elude the service of such writ, or to avoid the effect thereof, transfer such prisoner to the custody, or place him under the power or control of any other person, or conceal him, or change the place of his confinement, the person so offending shall forfeit and pay to the party aggrieved thereby a sum not exceeding one thousand dollars.

Penalty for eluding, by removal of body.

SEC. 27. The recovery of any penalty imposed by this chapter shall not bar any action at the common law for false imprisonment, or for false return to the writ of *habeas corpus*, or for any other injury or damage sustained by the aggrieved party.

Penalties, no bar to common law remedies.

SEC. 28. No person who has been discharged upon a writ of *habeas corpus* shall be again imprisoned or restrained for the same cause, unless he shall be indicted therefor, or convicted thereof, or committed for want of bail by some court of record having jurisdiction of the cause; or unless after a discharge for defect of proof, or for some material defect in the commitment, in a criminal case, he shall be again arrested on sufficient proof, and committed by legal process for the same offence.

Effect of discharge, on future imprisonment.

SEC. 29. Nothing contained in this chapter shall be construed to restrain the power of the supreme court, or any one of the justices thereof, to issue a writ of *habeas corpus* at their discretion; and thereupon to bail any person, for whatever cause he may be committed or restrained, or to discharge him, as law and justice shall require.

Saving of power of supreme court, and justices of, to bail.

SEC. 30. Whenever any person is committed to jail on any criminal accusation, for want of bail, any justice of the supreme court, or any justice of the peace of the same county, specially appointed by said supreme court, or by either justice thereof, may admit him to bail in like manner as might have been done by the court or magis-

Persons committed for crime, by whom to be bailed, &c.

trate who committed him ; and the said justices respectively shall have power to issue a writ of *habeas corpus*, and to cause such prisoner to be brought before them, when it shall be necessary for the purpose expressed in this section.

Saving of power of court to bring up prisoners for trial or as witnesses.

SEC. 31. Nothing contained in this chapter shall be construed to restrain the power of any court to issue a writ of *habeas corpus*, when necessary to bring before them any prisoner for trial, in any criminal case lawfully pending in the same court ; or to bring in any prisoner to be examined as a witness in any suit or proceeding, civil or criminal, pending in such court, when they shall think the personal attendance and examination of the witness necessary for the attainment of justice.

CHAPTER 218.

OF DOWER, THE ACTION OF DOWER, AND OF JOINTURE.

SECTION

1. Widow, of what dowable.
2. Dower, how to be assigned in entire inheritances and woodlands.
3. How, where several parcels of land.
- 4 and 5. Who may assign dower.
6. Widow's right to mansion until assignment.
7. Widow, when entitled to writ of dower, and damages for detention of dower.
8. Notice of demand of, how served.
9. Judgment for, what shall contain, and of appeal from.
10. Effect of judgment, if no appeal taken.
11. Of commissioners to set off dower.
12. Proceedings by commissioners.
- 13 and 14. Of confirmation of report of commissioners, and of execution for damages and costs.
15. Death of tenant in action not to abate action.

SECTION

16. Action, where may be brought, if lands, &c., situate in two or more counties.
- 17, 18, and 19. Assignment of dower by court of probate, and proceedings in.
20. No damages for detention given by court of probate, but appeal allowed, and proceedings on, &c.
21. Of proceedings when any infant is interested in lands, &c., of which widow is dowable.
22. Dower forfeited by waste, and duty of tenant in to repair.
23. Jointure, how settled, to bar dower.
24. Estate settled, to revert, if no bar, when.
25. Dower demandable, if widow evicted from jointure.
26. Bequest of crops by widow, and of fences erected by her on dower lands.

Widow, of what dowable.

SECTION 1. The widow of any person dying intestate, or otherwise, shall be endowed of one full and equal third part of all the lands, tenements, and hereditaments, whereof her husband, or any other to his use, was seized of an estate of inheritance, at any time during the intermarriage, to which she shall not have relinquished her right of dower by deed, except in the cases provided for in the twenty-third section of this chapter.

Dower, how to be assigned in entire inheritances and woodlands.

SEC. 2. Of inheritances that are entire, where no division can be made by metes and bounds, so that a woman can be endowed of the thing itself, and of woodlands, she shall be endowed in a special and certain manner, as of a third part of the rents, issues, growth, or

profits thereof, to be computed and ascertained in manner by this chapter directed.

SEC. 3. Where dower is legally demandable in more than one lot or parcel of land belonging to the same person, such assignment need not be of a part of each lot or parcel, but may be together in one lot, as the interest and convenience of the widow and the heir or person having the next immediate estate of freehold shall require.

How, where several parcels of land.

SEC. 4. The heir or person having the next immediate estate of freehold in all or any of the lands, tenements, or hereditaments which belonged to the deceased during the intermarriage, whereof the widow is dowable, may, in writing and under his hand, assign and set off to such widow her dower, or just third part of and in all such lands, tenements, and hereditaments, according to the provisions of this chapter, at any time after the decease of the husband.

Who may assign dower.

SEC. 5. The tenant in possession, though having but a term for years, first giving notice to the owner or owners of the next estate of freehold or inheritance, and inviting them to join with him, if they will, in assigning and setting off dower, may, upon demand of the widow upon him and them, assign and set off dower as aforesaid; and the same, if fairly and honestly done, shall bind his landlord or co-tenants of the freehold and all others.

Same subject.

SEC. 6. Until such dower be assigned or until she elect to receive her jointure in lieu of dower, any widow may remain and continue in the mansion-house, and the messuage thereto belonging, without being chargeable to pay the heir any rent for the same: *Provided* she bring her writ of dower within twelve months after the probate of the will, or the granting of letters of administration on her husband's estate.

Widow's right to mansion until assignment.

SEC. 7. If after one month's demand, made by the widow, of the persons empowered to set off dower, the same shall not be set off to her in all the lands, tenements, and hereditaments in which they are empowered to set off the same, or the dower assigned and set off shall be less in value than the widow is entitled to, or shall be assigned and set off in a manner inconsistent with the provisions and true intent of this chapter, such widow may sue for and recover her dower and damages for the detention of the same by writ of dower, to be brought either against the tenant in possession, or the tenant or tenants of the estate of freehold subsisting at the time of the demand.

Widow, when entitled to writ of dower, and damages for detention of dower.

SEC. 8. The leaving of the demand with the tenant or person in possession of the premises out of which dower is demanded, or, if no person be in possession, the posting up of the same in any conspicuous place upon the premises, shall be sufficient service of the demand upon all persons not within the state at the time of such demand.

Notice of demand of, how served.

SEC. 9. Whenever judgment for dower shall be rendered by any court of common pleas in favor of a plaintiff in an action of dower, the said judgment shall set forth the manner in which the plaintiff shall be endowed; and either party aggrieved by such judgment may appeal therefrom to the next term of the supreme court in the same county.

Judgment for, what shall contain, and of appeal from.

SEC. 10. If no such appeal be prayed in open court within two days after such judgment, the same shall be final, and shall annul the dower before that time set off and assigned to the plaintiff in the case, if any had been set off and assigned.

Effect of judgment, if no appeal taken.

SEC. 11. Whenever final judgment for dower shall be rendered in any action of dower, in favor of the plaintiff, the court rendering the

Of commissioners to set off dower.

- same shall appoint three disinterested commissioners, who shall be under oath, to be administered by said court, or by any justice of the peace or notary public, equally and impartially to set forth by metes and bounds, or to ascertain in the special manner pointed out in such judgment, the dower of the plaintiff, and also the damages sustained by the plaintiff by detention thereof after demand therefor.
- Proceedings by commissioners.** SEC. 12. Such commissioners shall appoint time and place to meet the parties in the said action, and give them notice thereof; and at such time and place, notwithstanding the absence of either or both of said parties, and unless good cause is shown, proceed to discharge their duties, and make report of the same under their hands with a plat of the premises and of the dower set off, if set off by metes and bounds, as soon as may be, to the court appointing them.
- Of confirmation of report of commissioners.** SEC. 13. No sufficient cause to the contrary being shown, such court shall confirm such report, and enter up judgment according to the same, and issue a writ of execution for such damages, and to put the plaintiff in possession of her dower or perception of rents and profits, as the case may require.
- Of execution for damages and costs.** SEC. 14. Such execution shall not be issued until after the plaintiff produces to the court, or clerk, if the court be adjourned, a certificate that the judgment of such court, confirming such report, has been duly recorded in the office of the town clerk of the town in which the premises lie; the expense of which shall make part of the costs in the action of dower.
- Death of tenant in action, not to abate action.** SEC. 15. No action of dower shall abate by the death of the defendant named therein, where the defendant is tenant of the freehold, if the property passes by devise or descent from him; but such death being suggested, the heir or devisee shall be summoned to appear at the same or at the next term, in the discretion of the court in which the action is pending, and take upon him the defence of the suit, and the suit shall proceed against him in the same manner as if he had been the original defendant.
- Of action, when lands situate in two or more counties.** SEC. 16. Whenever the lands, tenements, or hereditaments, in which dower is claimed, are situate in two or more counties in this state, the suit for dower, whether at law or in equity, may be brought in either county where any of the lands, tenements, or hereditaments are situate.
- Of assignment of dower by court of probate.** SEC. 17. Any court of probate in this state which shall have granted letters of administration, or letters testamentary on the estate of any deceased person, shall have power, upon the application of the widow of the deceased, to cause the dower of such widow to be assigned and set off to her in all or any of the lands, tenements, or hereditaments lying within the state, which belonged to the deceased during his intermarriage, whereof such widow is dowable. Notice of such application shall be given to all parties interested, except the applicant, in the manner prescribed by law for notices by courts of probate: *Provided, however*, that all the heirs at law or devisees having the next immediate estate of freehold, and all parties interested in all or any of said lands, tenements, or hereditaments, may join in such application, in which case, no notice thereof need be given.
- Of decree of court in application as to mode of assigning dower, &c.** SEC. 18. Whenever such an application shall be made to such court of probate, such court, upon hearing the parties thereto, shall, in the first instance, decree in what manner the dower ought to be assigned in the premises described in the application, whether by metes and bounds, or in some special and certain manner as set forth in the second section of this chapter; and any person aggrieved by

such decree may appeal therefrom to the next term of the supreme court to be holden in the same county; but if no appeal be made within the time prescribed by law, or if the parties in writing within that time waive their right to appeal, then such decree shall be final.

SEC. 19. Upon the rendering of a final decree on such application, prescribing the manner in which the dower shall be assigned, the court rendering the same shall appoint three disinterested men, who shall have and exercise the same duties and powers, and in the same manner, and under the same restrictions as though they were appointed to set off dower in an action of dower according to the provisions of this chapter; and their report being made to such court, like proceedings shall be had thereon, and with like effect, as in actions of dower.

Of appointment of men to assign, &c., upon final decree.

SEC. 20. No damages for detention of dower shall be allowed on such application, but an appeal may be had from the decree of a court of probate affirming any report to said court, made by the men appointed to set off dower upon such application, and like proceedings shall be had thereon, as is provided in sections eleven, twelve, thirteen, and fourteen of this chapter.

No damages for detention to be given, &c.

SEC. 21. In case any infant is interested in any lands, tenements, or hereditaments which belonged to any deceased person, whereof his widow is dowable, the application to the court of probate to cause such widow's dower therein to be assigned and set off to her, and the waiver of the right of appeal, and all other necessary acts, may be made, signed, and done in behalf of such infant, by his guardian, duly appointed, whose acts in the premises shall be conclusive on such infant: *Provided*, that when such widow is herself the guardian of such infant, such court of probate shall, and in all other cases where, in their discretion, they may deem it advisable, such court may, upon receiving such application, appoint a guardian *ad litem* for such infant, whose acts alone in the premises, in all subsequent proceedings, shall be conclusive on such infant.

Of proceedings when any infant is interested in lands, &c., of which widow is dowable.

SEC. 22. No woman who shall be endowed of any lands, tenements, or hereditaments as aforesaid shall commit or suffer any strip or waste thereon, upon penalty of forfeiting the whole of that part of the estate upon which such strip or waste shall be made, and the damages assessed for waste, to him who has the immediate estate of freehold or inheritance, remainder or reversion, by an action of waste to be brought therefor; and all tenants in dower shall maintain the houses and tenements, with the fences and appurtenances whereof they may be endowed, in good repair during the term, and shall leave them so at the expiration thereof.

Dower forfeited by waste, and duty of tenant in to repair.

SEC. 23. If any estate, real or personal, be conveyed by deed, or the same be devised or bequeathed for the jointure of the wife in lieu of her dower, to take effect in her own possession immediately on the death of her husband, and to continue during her life, or in fee, determinable by such acts only as would forfeit her dower at the common law, such conveyance shall bar her dower of the residue of the lands, tenements, and hereditaments which her said husband at any time possessed: but if the said conveyance was before marriage and during the infancy of the woman, or after marriage, in either case the widow may, at her election, waive such jointure, and demand her dower: *Provided*, the same be done in writing within twelve months after the probate of the will, if there be one, and if not, then within twelve months after the granting of letters of administration on her deceased husband's estate.

Jointure, how settled to bar dower.

Estate settled, to revert, if no bar, when.

SEC. 24. Whenever any conveyance or devise intended to be in lieu of dower shall, through any defect, fail to be a legal bar thereto, and the widow, availing herself of such defect, shall demand her dower, the estate so conveyed with intention to bar her dower shall thereupon cease and determine.

Dower demandable, if widow evicted from jointure.

SEC. 25. If any widow be lawfully expelled or evicted from her jointure, or any part thereof, without any fraud or covin, by lawful entry or action, she shall be endowed of so much of the residue of her husband's lands, tenements, and hereditaments whereof she was dowable, as the same lands, tenements, or hereditaments, wherefrom she was so evicted and expelled, shall amount and extend to.

Of bequest of crops by widow, and of fences erected by her, &c.

SEC. 26. Widows may bequeath the crops as well of their dower as of other lands and tenements; and if any widow shall erect any fence on or around her dower land, her executors or administrators may enter thereon and remove the same, doing as little damage as may be to the freehold, at any time within six months after the death of such widow.

CHAPTER 219.

OF PARTITION OF ESTATES IN COMMON AND JOINT TENANCY, AND OF OTHER ACTIONS CONCERNING SUCH ESTATES.

SECTION

1. Actions brought by tenants in common, and who to join in as plaintiffs.
- 2, 3, and 4. Who compellable to make partition of estates in common, &c., and by whom.
5. How partition made, in case reversioner or remainder-man joins in suit, and effect of death of tenant for life or years, on.
6. Suit for, where brought when joint estate situated in two or more counties.
7. Notice of to non-resident, how may be given, and effect of.
8. Service of writ or subpoena, how made on persons temporarily absent.
9. Proceedings in case of temporary absence of defendant.
10. Proceedings in case omission of party is pleaded.
11. Proceedings in, in case of defendant infant, *non compos*, &c.
12. Proceedings in, in case of death of party.
13. Of voluntary appearance in, of heirs or devisees.
14. Parties in, may severally plead.
15. Shares in joint estate, how may be set off.

SECTION

16. Joint estate, when may be sold by court of equity, for partition of.
17. Who bound by sale, and how persons interested made parties to decree for.
18. Proceeds of sale, how to be disposed of.
19. Partition of lands, &c., between persons holding fee of shares thereof, and persons entitled to shares for life, or in reversion or remainder, how made, &c.
20. Effect of sale on such partition.
21. Saving of certain estates from provisions of last two sections.
22. Of costs in actions for partition.
23. Costs a lien on joint estate, and lien how may be enforced.
24. Of appeal in actions at law for partition, and of appointment of commissioners to make partition.
25. Of notice to be given by commissioners.
26. Of notice by, in case of non-resident, absent, or unknown parties.
27. Of report of commissioners, how made, of judgment, &c., and record of.
28. Of judgment in supreme court in

<p>SECTION partition, on appeal, and proceedings thereupon. 29. Of report of commissioners in suit in equity for partition.</p>	<p>SECTION 30. Of effect of recording plat of such commissioners, and decree made thereon.</p>
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SECTION 1. In actions of ejectment or other actions concerning any estate holden or claimed in coparcenary, common, or joint tenancy, where the possession of such estate claimed is the object of the suit, the same may be commenced by all or any two or more of the coparceners, tenants in common, or joint tenants, or the same may be brought by each one for his particular share of such estate; and the same rules shall prevail in actions of trespass for meane profits.

Of actions brought by tenants in common, who to join in as plaintiffs.

SEC. 2. All joint tenants, coparceners, and tenants in common, who now are or hereafter may be actually seized or possessed of any estate of inheritance in any lands, tenements, or hereditaments, in their own right, or in the right of their wives, may be compelled to make partition between them of such lands, tenements, and hereditaments, by writ of partition or bill in equity.

Who compelling to make partition of, &c.

SEC. 3. All joint tenants, coparceners, and tenants in common, who now are or hereafter may be actually seized or possessed of any estate for life or years in any lands, tenements, or hereditaments, in their own right, or in the right of their wives, may be compelled to make the partition between them of such lands, tenements, and hereditaments, to continue until the estate of some of the parties to the same shall determine, and no longer, by writ of partition.

Joint-tenants, coparceners, and tenants in common compelling to make.

SEC. 4. All joint tenants, coparceners, and tenants in common, who now are or hereafter may be actually seized or possessed of any estate for life or years, in any lands, tenements, or hereditaments, in their own right, or in the right of their wives, with others who have estates of inheritance in possession in the same lands, tenements, and hereditaments, may compel or be compelled to make partition of such lands, tenements, and hereditaments, to continue until the estate of some of the parties shall determine, and no longer, by writ of partition.

Same subject.

SEC. 5. If the tenant in reversion or remainder in fee join with the tenant for life or years in compelling partition of any such lands, tenements, or hereditaments, against the other co-tenants, the partition shall be of the whole estate, and binding on the heirs and assigns of all parties; and no such action shall abate by the death of the tenant for life or years, or the expiration of the term for years; but the surviving plaintiff may prosecute the said action to final judgment and execution.

How partition made, in case reversioner or remainder-man joins in suit.

SEC. 6. Partition of real estate holden in joint tenancy or in common, and situate in two or more counties in this state, may be sued for by action at law or by bill in equity, in either county in which any of the real estate is situate; and such action or bill shall be conducted in the same manner, in all respects, as if all the real estate therein named was situate in the same county.

Suit for, where brought, when joint estate situated in two or more counties.

SEC. 7. In suits at law, or in equity, for partition of real estate, in which it may be alleged or may appear that any party or person interested therein, not a party plaintiff, may not be a resident of this state, or where it is alleged or may appear that any person interested has left this state, and it may not be known where he is, or whether alive or dead, and if dead, whether leaving children or not, or that some person unknown to the plaintiff may be interested therein, the

Notice of to non-resident, how may be given, and effect of.

court before whom the suit is pending may order notice to be given to any such party or person, by ordering a copy of their order to be published in some newspaper printed in this state for such length of time as they may deem proper; and may also, in their discretion, order letters, post paid and directed to such party or person, to be deposited in the post-office; and, where notice is given as ordered by the court, they may proceed and render judgment in such suit, in the same manner and with the same effect as if such party or person had received actual or personal notice, or had appeared and answered to the suit.

Of service of writ of subpoena, on persons temporarily absent.

SEC. 8. If a person named defendant in a writ or bill for partition, being an inhabitant of this state, shall be temporarily absent therefrom, so that although it may be known where he is, the writ or subpoena cannot be personally served upon him, legal service thereof may be made by leaving a copy thereof with the tenant in possession of the estate whereof partition is demanded, if any there be.

Of proceedings in case of temporary absence of defendant.

SEC. 9. If such defendant does not appear to answer such suit, the cause shall be continued, or delayed until his return: *Provided*, the same happen on or before the second day of the term next succeeding that at which, or first after which, said proceeding shall have been commenced; at which term, if such defendant does not appear to answer the suit, the court shall appoint some discreet and disinterested person as agent of such defendant, whose duty it shall be to defend such suit; and, in case judgment shall be rendered for partition, to attend to the partition to be made, and therein take care of the interest of the person for whom he shall have been appointed agent as aforesaid.

Of proceedings in case omission of party is pleaded.

SEC. 10. In any action of partition, if any person who ought to be a party to such action shall be omitted in the writ, the writ or process in such action shall not be thereby abated; but in case the same is pleaded, a summons shall issue to the person thus omitted, which shall be served in manner prescribed by law, at least twenty days before trial; who may come in and defend in the same manner as though he had been originally made a party to such action; and if the person thus summoned shall appear, or shall neglect to appear, his name may be inserted in the process by the court; and judgment shall be rendered in such action in the same manner as if such person had been originally a party in the writ.

Proceedings in, in case of defendant, infant, *non compos*, &c.

SEC. 11. If, in any such action, the defendant shall be an infant, *non compos mentis*, or otherwise incapacitated to take care of his right and estate, it shall be the duty of the court before which such action shall be pending to appoint some discreet and disinterested person as guardian to defend such infant, *non compos mentis*, or otherwise incapacitated person against such suit; and in case of judgment for partition, to attend to the partition to be made, and therein take charge of the interest of the person for whom he shall be appointed guardian.

Proceedings in, in case of death of party.

SEC. 12. No action of partition shall be abated by the decease of either of the parties, plaintiffs or defendants, in such action. In case of the decease of either of the plaintiffs or defendants in such action, the court shall cause the heirs at law or devisees of such deceased party to be notified of the pendency of such suit, in the same manner as if they had been parties in the original writ in such action, and may, after such notice shall have been given, render judgment in such suit in the same manner as might have been done had such heirs or devisees been original parties in such action.

SEC. 13. If such heirs or devisees shall voluntarily appear in court without such notice, the court may proceed without further delay to try, render judgment, and proceed thereon, in such action.

Of appearance of heirs or devisees, in.

SEC. 14. In actions of partition against several defendants, each of the defendants may answer severally; or any two or more may answer jointly; and in their answers set forth the right or interest which they and each of them have in the estate for the partition of which the action is commenced.

Parties in, may severally plead, &c.

SEC. 15. In suits for partition, at law or in equity, the court may order the share of any plaintiff or of any defendant, or of any two or more of the parties plaintiff and defendant, to be set off to him or them, dividing the remainder, or leaving it undivided, in their discretion.

Shares in joint estate, how may be set off.

SEC. 16. In suits in equity for partition, the supreme court may, in their discretion, upon motion of any party to such suits, order the whole premises sought to be divided, or any particular lot, portion, or tract thereof, or the interest of the plaintiff or plaintiffs, or of the defendant or defendants in the whole premises, or in any particular lot, portion, or tract thereof, to be sold at public auction, under the direction of the court, by the commissioners appointed to divide the same.

Joint estate, when may be sold by court of equity for partition of.

SEC. 17. No person interested in the estate and not a party to the suit shall be bound by such sale; but the court may, upon motion, proceed to make all persons interested in such estate parties thereto, though non-resident, absent, or unknown, in the manner hereinbefore provided; in which case, if the whole of their shares of the estate be ordered to be sold, such decree shall forever thereafter, in favor of the purchaser of such estate or shares, and of those claiming under or by virtue of him, be binding upon such non-resident, absent, or unknown person, though not appearing to such suit.

Who bound by sale, and how persons interested made parties to decree for.

SEC. 18. In case of such sale, the proceeds of sale shall be divided, under the direction of the court, between the parties entitled thereto, in lieu of their interest in the estate ordered or decreed to be sold; and the portion of the proceeds of sale to which any party or person unknown, or absent from the state, and not appearing to claim the same, may be entitled, may be invested for such person by the commissioners, under the direction of the court, and in such name as the court may direct, after deducting from such portion the reasonable share of the costs and expenses of partition of such party or persons, to be allowed by the court to those entitled thereto. In all cases such investment and the further disposition of the same, and the deposit and disposition to be made of the evidence thereof, shall be subject only to the order and control of the court.

Proceeds of sale, how to be disposed of.

SEC. 19. Partition, either at law by metes and bounds, or in equity by an auction sale and division of the proceeds, may be made of any lands, tenements, or hereditaments between the person or persons who hold the fee of any share or shares thereof, and the person or persons who hold, or are, or may be entitled to, any share or shares thereof, for life, or in reversion or remainder; and whether such remainder be vested or contingent, and whether it be to persons in being and ascertained, or to persons not in being or to be ascertained thereafter, or subject to open, to let in those afterwards to come into being, or having other interests whatsoever vested or contingent therein: *Provided*, that all persons in being at the time of the commencement of the suit for partition, interested in the estate, be made parties to the proceedings, and their title or interest fully shown upon the record by the pleadings; and *provided*, also, that before final

Partition of lands between persons holding in fee, and for life or in reversion or remainder, &c., how made.

judgment or decree for partition or sale in any such case, the court shall appoint some discreet person to represent the interest of persons, if any, not then in being, whose reasonable charges, as allowed by the court, shall be taxed in the costs, and be a charge upon the share or shares of the estate in which such parties, not in being, shall or may be interested.

Effect of sale on such partition.

SEC. 20. In the event of partition, by sale and division of the proceeds in any such case, such sale shall vest in the purchaser an absolute estate, in fee-simple, in the lands, tenements, or hereditaments so sold; and the share or shares of the proceeds, representing the share or shares of the estate, subject to any such reversion or remainder, after deducting and paying therefrom their proportional parts of the costs and expenses of partition, as determined by the court, shall be invested under the order of the court for the benefit of the person interested, or who may become interested in the same, in the same manner as is provided in case of unknown parties in the next preceding section.

Saving of certain estates, &c.

SEC. 21. Nothing in the last two sections shall be construed to authorize the partitioning, by sale and division of the proceeds, of any lands, tenements, or hereditaments, in which persons not in being are to be or may be interested, under and by virtue of the provisions of any last will and testament of a date prior to March seventh, eighteen hundred and sixty-six; lands to which water rights, water power, or mill privileges are appurtenant or attached, only excepted.

Of costs in actions for partition.

SEC. 22. In actions of partition, as well as in suits in equity for the same, the court before which the same may be pending may adjudge and determine, as to them shall appear equitable and just, relative to the apportionment of costs among the parties, plaintiff and defendant, by dividing the same equally, or subjecting either party to the payment of the whole or any part thereof.

Costs a lien on joint estate, and lien how may be enforced.

SEC. 23. In suits for partition, either at law or equity, the costs of partition, in such proportion as the court trying the same shall adjudge to be paid by any party or parties to said suit, shall be a lien upon the interest of any party or parties in the several shares to him or them assigned; and, in addition to the mode of recovery now used, may be recovered by sale of said several shares upon execution to be issued in due form therefor, in favor of the party or parties who may, by payment of said costs, be entitled to recover the same.

Of appeal in actions at law for partition, and of appointment of commissioners to make partition.

SEC. 24. In actions at law for partition, either party may appeal from the judgment of the court of common pleas that partition shall be made; but if no such appeal shall be prayed in open court within two days next after such judgment, the same shall be final; and such court thereupon, on the motion of the plaintiff in such writ of partition, shall appoint and commission, at their discretion, one or more discreet, impartial, and disinterested persons, to make partition pursuant to such judgment, who shall be sworn to the faithful discharge of their trust.

Of notice to be given by commissioners.

SEC. 25. The persons so appointed, first giving reasonable notice to the respective parties, shall make partition between them, according to their several rights, as ascertained by the judgment of the court ordering such partition.

Of notice by, in case of non-resident, absent, or unknown parties.

SEC. 26. In case non-resident, absent, or unknown parties or persons be interested in such partition, and whether the commission to make partition issue at law or in equity, the court issuing the same shall order such notice to be given to such parties or persons interested, by the commissioners appointed to make partition, as such

court may judge proper; and the same, when given, shall, for all purposes, be as effectual as personal notice.

SEC. 27. In actions at law for partition, the commissioners appointed to make the same shall report their proceedings, with a plat of the division by them made, to the court by whom they shall have been appointed; and if no sufficient cause shall be shown for rejecting the said report, judgment shall be rendered thereon in conformity thereto; and such report, plat, and judgment shall be recorded in the office of the town clerk of the town or towns in which such estate may be; the expense of which record shall be made a part of the costs in such action.

Of report of commissioners, how made, of judgment, &c., and record of.

SEC. 28. If an appeal from any judgment of the court of common pleas for making partition shall be prayed as aforesaid, and on hearing of the case before the supreme court, judgment shall therein be rendered for partition, said supreme court, in like manner, shall appoint and commission, at their discretion, one or more discreet, impartial, and disinterested persons, to make partition pursuant to the judgment of said court, who shall cause partition to be made in like manner, and under the same regulations as are above prescribed in case the said judgment for partition had been rendered in the court of common pleas; and whenever any judgment of any court of common pleas for partition shall be confirmed by the supreme court, on the complaint of any party not appealing therefrom, similar proceedings shall be had in said supreme court.

Of judgment in supreme court in partition on appeal, and proceedings thereupon.

SEC. 29. In suits in equity for partition, the commissioners appointed to make the same shall report their proceedings, with a plat of the division by them made, to the court before which such suit shall be pending; and if no sufficient cause shall be shown for rejecting the report, a decree shall be entered by the court confirming the same; and such plat and decree shall be recorded in the office for recording deeds in the town or towns in which the estate mentioned in such decree shall be, the expense of which record shall be made a part of the costs in the cause.

Of report of commissioners in suit in equity for partition.

SEC. 30. The recording of the said plat and decree as aforesaid shall vest the legal title to the property therein described in the persons to or among whom the same shall be divided or allotted; and no conveyance shall be required to be executed for the purpose of vesting such legal title in such person.

Of recording plat and decree of commissioners, &c.

CHAPTER 220.

OF WASTE, ACTION OF WASTE, AND WRITS OF ESTREPEMENT.

SECTION

- 1, 2, and 3. Of forfeiture for waste, by whom to be suffered, and how recovered.
4. Effect of non-appearance of one of two or more joint owners, in action of waste.
5. Writs of estrepement, how issued, directed, and served.

SECTION

6. Power of officer charged with, to stay waste.
7. Notice of application for, and power of court, &c., upon hearing.
8. Of power of court to require security of applicant against loss or damage from writ.
9. Such writs, how to be returned.

Of forfeiture for waste, by whom to be suffered, and how recovered.

SECTION 1. If any person who shall be seized of any real estate for the term of his own life, or for the life or lives of any other person or persons, or as a tenant for years, shall commit or suffer any waste on such estate, he shall forfeit his estate in the place so wasted, and double the amount of the waste so done or suffered, to be recovered in an action of waste by the person entitled to the next estate in remainder or reversion, in the place so wasted.

Same subject.

SEC. 2. If any joint tenant, tenant in common, or coparcener shall commit any waste on any estate by him holden in joint tenancy, tenancy in common, or coparcenary, without the consent of the other joint tenants, tenants in common, or coparceners, he shall forfeit double the amount of the waste so done, to be recovered by the other joint tenants, tenants in common, or coparceners, to their own use.

Same subject.

SEC. 3. In such case any one or more of the other joint tenants, tenants in common, or coparceners may commence an action for the same in the name of all the joint tenants, tenants in common, or coparceners.

Effect of non-appearance of plaintiff named, &c., in.

SEC. 4. If any person named as plaintiff without his consent shall neglect to appear, after being duly notified in such manner as the court shall direct, his name shall be stricken from the writ and pleadings, and the others shall have a right to prosecute the same to final judgment and execution, in their own names and for their own use.

Writs of estrepement, how issued, directed, and served.

SEC. 5. The supreme court in any county, and each of the justices thereof in vacation, on the application of the plaintiff, in an action of ejectment, trespass and ejectment, partition, or waste, are hereby empowered, under the provisions following, to issue a writ of estrepement, directed to the sheriff or to his deputies, in the county in which the estate in question may be, requiring him to stay all the waste on the estate that shall be described in such writ of estrepement.

Officer charged with, to stay waste.

SEC. 6. The sheriff or his deputy, charged with the service of such writ, shall have power to stay all waste, as shall be directed in such writ, and to take such aid as shall be necessary for that purpose.

Of notice of application for, and power of court, &c., upon hearing.

SEC. 7. Upon the application of any party for a writ of estrepement, said court or justice, before issuing the same, shall cause the party whose interests may be affected thereby to be notified of the pendency of such application, in such manner and mode as said court or justice may deem proper, to the end that the party so to be affected by, as well as the party applying for said writ, may be heard in the premises. Upon such hearing, the said court or justice may, in their discretion, issue or refuse to issue said writ, in the same manner as courts of equity grant or refuse to grant injunctions in like cases.

Of power of court to require security of applicant against loss or damage from writ.

SEC. 8. The said court or justice may, on said hearing, and before the issuing of said writ, require of the party applying for the same bond with sufficient surety, and in such sum as said court or justice may prescribe, to make good to the party whose interest may be affected by said writ all loss and damage which he may suffer by reason of the issuing of said writ; if said court or justice, in their discretion, judge that the circumstances of the case or the rights of the parties require such bond to be given.

Of return of such writs.

SEC. 9. If such writ of estrepement shall be issued by the court, it shall be returnable at such time as the court shall direct; and if such writ shall be issued by a justice of said court, it shall be returnable to the next term of said court within and for the county in which the estate lies, which is described therein.

CHAPTER 221.

OF THE ACTION AGAINST TENANTS AND OF NOTICE TO QUIT.

SECTION

1. Notice to quit to tenants at will, &c., what.
2. To tenants by parol from year to year, what.
3. To tenants by parol for terms less than a year, what.

SECTION

4. Notice by such tenants to landlord, what.
5. Notice to quit to and by tenants by written lease.
6. Of landlord, right to possession in case of non-payment of rent.
7. Of remedy to recover possession.

SECTION 1. Tenants of land or tenements at will or by sufferance shall quit upon notice in writing from the lessor or owner, at the day named therein.

Notice to tenants at will, &c., what.

SEC. 2. Tenants by parol, of house, tenement, or message, or of farm and farming land from year to year, shall quit upon notice in writing from the lessor or owner, given at least three months prior to the expiration of the occupation year.

To tenants by parol from year to year, what.

SEC. 3. Tenants by parol of houses, tenements, messages, farm or farming lands, for any term less than a year, shall quit upon notice in writing from the lessor or owner given at least half the period of the term, not exceeding in any case three months prior to the expiration of the same, at any return thereof.

For terms less than a year, what.

SEC. 4. To terminate leases at will or by sufferance, or by parol, like notice shall be given by the tenant, if he would be quit of the same, as is prescribed to be given by the lessor or owner; and such notice shall have the same effect, for all purposes, as if given by the lessor or owner to the tenant.

Notice by such tenants to landlord, what.

SEC. 5. The time agreed upon in a definite letting shall be the time of the termination thereof for all purposes; and if there be no time of termination agreed upon, it shall be deemed a letting from year to year, and the like notice to quit shall be required both from landlord and tenant, if either would be quit of the letting, and such notice from either shall have the like effect.

Notice to quit, to and by tenants, by written lease.

SEC. 6. If in any case of letting of lands or tenements, whether by writing or parol, the stipulated rent, or any part of the same, be due and in arrear for the period of fifteen days after demand made of the same from the tenant or his assigns, by the lessor or person entitled to the reversion, the landlord or reversioner may reënter and repossess himself of the lands and tenements let, or recover possession of the same from the tenant or his assignee discharged from the lease.

Of right to possession, in case of non-payment of rent.

SEC. 7. The lessor or owner of lands or tenements shall be entitled to recover the same upon termination of the letting of the same, in manner aforesaid, either by ordinary process of ejection, or in the manner prescribed for recovery of possession of tenements or estates from those who hold over the term of letting, in chapter one hundred and eighty-four.

Of remedy to recover possession.

CHAPTER 222.

OF TRESPASSES.

SECTION

1. Of double damages for cutting, &c., growing trees, &c., and of action to recover the same.

Of damages for cutting, &c., growing trees, &c., and of action to recover same.

SECTION

2. Of proof in such action, unless defendant purges himself under oath.

Of proof in such action, unless defendant purges himself under oath.

SECTION 1. If any person shall cut, destroy, or carry away any tree, timber, wood, or underwood whatever, lying or growing on the land of any other person, without leave of the owner thereof, he shall, for every such trespass, pay the party injured, twice the value of any tree so cut, destroyed, or carried away; and for the wood or underwood, treble the value thereof; to be recovered by action of trespass before any justice court in the county authorized to hear and determine the same, if the damages do not exceed the sum of one hundred dollars; but if they be above that value, then before the supreme court, or court of common pleas in the same county, as the case may be.

SEC. 2. In case any dispute shall arise upon any action brought as aforesaid, where the plaintiff shall charge the defendant in trespass with cutting, destroying, or carrying away any particular tree, parcels of timber, wood, or underwood, off or from any such land as aforesaid, or of being aiding or assisting therein, then in such case, if the plaintiff, his agent, or attorney shall make oath that there have been cut, destroyed, or carried away, such and so many trees, parcels of wood, or underwood, as mentioned in the writ, and that he suspects the defendant to have committed the said trespass, although the plaintiff, his agent, or attorney may not be able to produce any other evidence thereof than such circumstances as render it highly probable in the judgment of the court before whom the trial is, then and in such case, unless the defendant shall acquit himself upon oath, to be administered to him by the court who shall try the cause, the plaintiff shall recover against the defendant, damages and costs; but if the defendant shall acquit himself upon oath as aforesaid, the court before whom the trial is shall enter up judgment for the defendant, to recover against the plaintiff double his costs occasioned by such prosecution.

CHAPTER 223.

OF PROCEEDINGS IN FORCIBLE ENTRY AND DETAINER.

SECTION

1. Complaint in, how made, and warrant in, how issued and directed, and form of warrant.
2. Form of summons to party complained against.
3. Summons, how and when to be served.
4. Of empanelling jurors; form of

SECTION

- oath of, and nature of inquiry before.
5. Verdict of jury, in case complaint found true.
6. Of judgment on such verdict, award of writ of restitution and costs, and form of writ.
7. Of costs and execution for, in case

<p>SECTION complaint not supported by verdict.</p> <p>8. No appeal from and effect of judgment in.</p> <p>9. Of removal of proceeding by cer-</p>	<p>SECTION tiorari to supreme court, and power of court over.</p> <p>10. Limitation of complaint in.</p> <p>11. Fees of jurors, how paid, and when to be taxed in costs.</p>
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SECTION 1. Whenever complaint shall be made in writing and under oath to a justice of the supreme court, that any person hath made unlawful and forcible entry into lands or tenements, and with a strong hand detains the same, or that, having lawful and peaceable entry, or peaceable entry into lands or tenements, any person, unlawfully and with force, holds and detains the same, such justice shall make out his warrant under his hand and seal, directed to the sheriff of the county in which such lands or tenements lie, or to his deputy, commanding him, in behalf of the state, to cause to come before him, at such time and place as he may appoint, within such county, twelve good and lawful men of the same county, which warrant shall be in the following form, to wit: —

Complaint in, how made, and warrant, how directed and issued.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of the county of* _____ *or to his deputy,* _____ *greeting:*

Form of warrant.

Whereas complaint is made to me the subscriber, by _____ of _____ that _____ of _____ upon the _____ day of _____ at _____ with force and arms and with a strong hand did unlawfully and forcibly enter into and upon a tract of land of him the said _____ in _____ aforesaid containing _____ acres, bounded as follows, viz.: (or into the messuage or tenement of him the said _____ as the case may be,) and him the said _____ with force and a strong hand as aforesaid did expel and unlawfully put out of possession of the same; (or, as the case may be, that having lawful and peaceable entry, or peaceable entry, such person unlawfully and with force holds and detains him the said _____ out of the same,) you are hereby commanded in behalf of the state to cause to come before us, upon the _____ day of _____ at _____ in the said county, twelve good and lawful men of your county, to be empanelled and sworn, to inquire into the forcible entry and detainer, (or forcible detainer, as the case may be,) as aforescribed. Given under my hand and seal the _____ day of _____ in the year _____

Justice of the supreme court.

SEC. 2. Such justice shall also make out his summons to the party complained against in form following, to wit: —

Form of summons to party complained of.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriff of our county of* _____ *or to his deputy,* _____ *greeting:*

We command you that you summon _____ of _____ to appear before the subscriber at a place called _____ in _____ in the said county, on the _____ day of _____ at _____ o'clock in the _____ noon, then and there to answer to and defend against the complaint of _____ to him exhibited; wherein said _____ complains that (here recite the complaint); and you are to make return of this writ with your doings thereon unto me

upon or before the said day. Witness our said justice,
the day of in the year
Justice of the supreme court.

Summons, how and when to be served.
SEC. 3. Such summons shall be served upon the party complained against, or a copy thereof left at his usual place of abode, six days exclusive, before the day appointed by the justice for the trial; and if, after the service of such summons, the party shall not appear to defend, the justice shall proceed to the inquiry, in the same manner as if he was present.

Of empanelling jurors;
SEC. 4. When the jury summoned, or such other jurors as may be taken up on a new *venire* to be issued by said justice if occasion should require, shall appear, they shall, to the number of twelve, be empanelled to inquire into the forcible entry and detainer, or forcible detainer complained of, and the justice shall lay before them the exhibited complaint, and shall administer to them the following oath, to wit:—

Foreman's oath.

oath of foreman;
You, as foreman of this jury do solemnly swear (or affirm) that you will well and truly try, whether the complaint of now laid before you is true, according to the evidence: so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury.)

The oath of the other jurors.

oath of other jurors.
The same oath which your foreman has taken on his part, you and every one of you will well and truly observe and keep: so help you God; (or, this affirmation you make and give upon the peril of the penalty of perjury.)

Verdict of jury in case complaint found true.
SEC. 5. If, upon a full hearing of the cause, the jury shall find the complaint laid before them supported by the evidence, they shall sign and return to the justice their verdict, in form following, to wit:—

At a court of inquiry holden before one of the justices of the supreme court within and for the county of at upon the day of in the year the jury upon their oaths, do find that the lands or tenements in aforesaid, bounded (or described) as follows (as in the complaint), upon the day of in the year were in the lawful and rightful possession of the said and that the said did, upon the same day, unlawfully, with force and arms and with a strong hand, enter forcibly into the same, and (or, being lawfully upon the same) did unlawfully, with force and a strong hand, hold and keep out the said and that he doth still continue wrongfully to detain the possession from him the said: whereupon the jury find, upon their oaths aforesaid, that the said ought to have restitution thereof without delay.

Of judgment on such verdict, award of writ of restitution and costs, and form of writ.
SEC. 6. Upon the return of verdict for the complainant as aforesaid, the justice shall enter up judgment that the complainant have restitution of the premises, with all costs, to be taxed by the justice, and shall award his writ of restitution and for costs against the party complained of in form following, to wit:—

The State of Rhode Island and Providence Plantations.

[SEAL.] S. C. To the sheriff of our county of or to his deputy,
greeting:

Whereas, at a court of inquiry of forcible entry and detainer,

holden at _____ in our county of _____ upon the _____ day of _____ in the year _____ before one of the justices of the supreme court, the jurors empanelled and sworn by our said justice did return their verdict in writing, signed by each of them, that _____ was upon the _____ day of _____ in the rightful possession of a certain messuage or tract of land (as in the verdict returned), and that (as in the verdict); whereupon it was considered by our said justice that the said _____ should have restitution of the same; we command you, that taking with you the power of the county if necessary, you cause the said _____ to be forthwith removed from the premises, and the said _____ to have peaceable possession of the same, and also, that you levy of the goods and chattels and real estate of the said _____ the sum of _____ being costs taxed against him on the trial aforesaid, together with twenty-five cents more for this writ, and also your own fees for levying the same; and for want of such goods and chattels or real estate of the said _____ to be by you found, you are commanded to take the body of the said _____ and him commit to our jail in _____ in the said county of _____ there to remain until he shall pay the sum aforesaid, together with all fees arising on the service of this writ, or until he is delivered by order of law; and make return of this writ and your doings thereon within twenty days next coming. Witness our said justice at aforesaid, the _____ day of _____ in the year _____

Justice of the supreme court.

SEC. 7. If the verdict be that the complaint is not supported, or the jury cannot agree upon a verdict, the defendant shall recover his costs of the proceeding, to be taxed by the justice, who shall award to him, in common form, execution therefor.

Of costs, &c., if complaint not supported by verdict.

SEC. 8. No appeal shall be allowed from the judgment of said justice, nor shall a new trial be granted by him or by the supreme court in this proceeding, nor shall such judgment be a bar to any action thereafter brought by either party.

No appeal from, and effect of judgment in.

SEC. 9. Such proceeding may be removed by *certiorari* into the supreme court, and be there quashed for irregularity, if any such there be.

Of removal of by *certiorari*, &c.

SEC. 10. Complaint as aforesaid may be made within three years after the forcible entry and detainer, or forcible detainer complained of be committed, and not after.

Limitation of complaint in.

SEC. 11. Every person summoned and attending as a juror shall be entitled to the same allowance per day for his attendance, and for travel per mile, as for like attendance and travel in the supreme court; to be paid in the first instance by the complainant before the verdict shall be received, and to be taxed in the bill of costs against the defendant, if the verdict be against him.

Fees of jurors, how paid, and how taxed in costs.

CHAPTER 224.

OF REPLEVIN.

SECTION

1. Goods and chattels, when repleviable.

SECTION

2. How directed and served when sheriff is party.

SECTION

- 3. Of replevin bond to be taken.
- 4. Power of court to order further bond.
- 5. Judgment of restoration and damages upon complaint for neglect to prosecute.
- 6. Judgment of restoration and damages after trial.
- 7. Judgment for damages for detention, when plaintiff succeeds.
- 8. Of damages and costs in case plaintiff succeeds as to part of goods.

SECTION

- 9. Goods replevied from taking on process, how long liable to, after judgment of restoration.
- 10. Creditor's right to defend suit against officer, and damages for detention in such case to whose use recovered.
- 11. Form of writ of return and restoration.
- 12. Writs of replevin, when issuable by justice courts, and of proceedings on.

Goods and chattels, when repleviable.

SECTION 1. Whenever any goods or chattels of more than one hundred dollars' value shall be unlawfully taken or unlawfully detained from the owner or from the person entitled to the possession thereof, and whenever any goods or chattels of that value, which are attached on mesne process, or execution, or warrant of distress, are claimed by any person other than the defendant in the suit or process in which they are attached, such owner or other person may cause the same to be replevied.

How served, &c., if sheriff is party.

SEC. 2. If any sheriff or deputy sheriff be party to such suit, then the writ shall be directed to and served by either of the town sergeants or constables in the county in which the same is to be served.

Of replevin bond to be taken.

SEC. 3. The officer charged with the service of any such writ shall, before serving the same, take from the plaintiff, or from some one in his behalf, a bond to the defendant, with sufficient sureties in double the value of the goods and chattels to be replevied; with condition to prosecute the said writ of replevin to final judgment, and to pay such damages and costs as the defendant in such writ shall recover against him, and also to return and restore the same goods and chattels in like good order and condition as when taken, in case such shall be the final judgment on such writ.

Power of court to order further bond.

SEC. 4. In case the defendant shall, at any time pending the writ of replevin, be dissatisfied with the amount or the sureties in such bond, the court before which the same shall be pending may, on his motion, and for cause shown, in their discretion, order the plaintiff to give further bond or further surety; and if the plaintiff do not comply with such order, his action shall be dismissed, and judgment shall be rendered for the defendant, for a return and restoration of the goods and chattels replevied, and for damages and costs, the same as if the plaintiff had neglected to enter his writ of replevin.

Of judgment on complaint for neglect to prosecute.

SEC. 5. Whenever any plaintiff in replevin shall neglect to enter and prosecute the suit, the defendant may, upon complaint, have judgment for a return and restoration of the goods and chattels replevied, and reasonable damages for the taking, with such reasonable costs as may be adjudged by the court; and a writ of return and restoration thereupon accordingly.

Of judgment for restoration, &c.

SEC. 6. If, upon trial of the writ of replevin, judgment shall be rendered for a return and restoration, the defendant shall recover his reasonable damages with costs of suit.

Of judgment for damages, &c.

SEC. 7. If, upon trial of the writ of replevin, the plaintiff shall make good his plea, he shall recover of the defendant his reasonable damages for the taking and detention of the goods and chattels and his costs.

SEC. 8. If, upon trial of the writ of replevin, the plaintiff shall make good his plea for part of the goods replevied, and shall fail to make it good as to the other part, he shall have judgment for his reasonable damages for the taking and detention of the part adjudged to be his, and his costs; and the defendant shall have judgment for a return and restoration of the goods and chattels adjudged to him with damages, as provided in the seventh section of this chapter, according to the relative value of such part, and with or without costs at the discretion of the court; but the court before whom such trial shall be had shall, in such case, set off the damages recovered by each.

Of damages and costs, in case plaintiff succeeds as to part of goods.

SEC. 9. Whenever the goods and chattels replevied shall have been taken on execution or warrant of distress, they shall, in case of a judgment of return and restoration, be held responsible for the space of twenty days after the return thereof; if on mesne process, until thirty days shall have expired after final judgment thereon, in case judgment shall not then have been given; but if final judgment on mesne process shall have been given before the return, then for the space of twenty days only after the return; to the end that the creditor at whose suit they were originally taken may have a complete remedy, and the benefit of his attachment.

Goods replevied from taking on process, how long liable to, after judgment of restoration.

SEC. 10. Whenever any action of replevin shall be brought against an officer who has taken or attached goods and chattels at the suit of a creditor, such creditor shall have the right to assume the defence of such suit upon indemnifying the officer against damages and costs therein, and the money recovered by way of damages by any such officer shall be deemed to be recovered to the use of the attaching creditor, and when received shall be paid over to him.

Of creditor's right to defend suit against officer, &c.

SEC. 11. The writ of return and restoration shall be substantially as follows:—

Form of writ of return and restoration.

The State of Rhode Island and Providence Plantations.

[SEAL.] SC. *To the sheriffs of our several counties, or to their deputies,* greeting:

Whereas of in the county of lately replevied the following goods and chattels, viz.: (here enumerate and particularly describe them,) which of in our said county of had unlawfully taken (detained or attached as the case may be), as the said suggested, and caused the said to be summoned to appear before our court of common pleas (or supreme court) then next to be holden at within and for our said county of to answer unto said for such unlawful taking, (detaining or attaching as the case may be), on the Monday of . And whereas to our said court at their said term, begun and holden as aforesaid, upon a full hearing of the cause of the taking (detaining or attaching, as the case may be), it appeared that the said taking (detaining or attaching, as the case may be) was lawful and justifiable; whereupon it was then and there by said court considered, that the same be returned and restored unto the said irrepleviable; and that the said recover against the said the sum of dollars, damages, for his taking the same by the said process of replevin, and his costs of defence taxed at as to us appears of record, whereof execution remains to be done: We command you, therefore, that you forthwith return and restore

the same goods and chattels unto the said _____ and also that of the goods and chattels and real estate of the said _____ within your precinct, you cause to be levied and paid unto the said _____ the aforesaid sums, being in the whole _____ with twenty-five cents more for this writ, together with your fees; and for want of such goods and chattels or real estate of the said _____ to be by you found within your precinct to satisfy and pay the sums aforesaid, we command you to take the body of the said _____ and him commit to our county jail in your precinct, therein to be kept until he pay the sums aforementioned, with your fees, or until he be discharged by the said _____ or otherwise by order of law. Hereof fail not, and make true return of this writ and your doing thereon to our next court of common pleas (or supreme court) to be holden at _____ in our said county of _____ on the Monday of _____ next _____ Witness Hon. _____ at _____ this _____ day of _____ in the year _____ Clerk.

Of the issue of writs of replevin by justice courts, and proceedings on.

SEC. 12. Justice courts may issue writs of replevin where the goods and chattels to be replevied are of one hundred dollars or less in value, if they were taken, attached, or detained in the town in which such justice court is established. They are also empowered to try the same, and to award execution therein, adhering in their proceedings, as near as may be, to the forms herein prescribed.

CHAPTER 225.

OF ACCOUNT.

SECTION

1. Action of, when lies between tenants in common, &c., or joint owners of property real or personal.
2. Of appeal from judgment in.
3. Of the appointment, qualification, and duties of auditors in.

SECTION

4. Of powers of auditors.
5. Of judgment and costs on report, and compensation of auditors, how paid.
6. Auditors act by majority, though all must accept and meet.

Action of, when lies between tenants in common, &c., or joint owners of property real or personal.

SECTION 1. Whenever two or more persons have and hold any estate, interest, or property, whether real or personal, in common, as joint tenants, tenants in common, coparceners, or joint owners, and one or more of the owners of such common property shall take, receive, use, or have benefit thereof, in greater proportion than his or their interest therein, such owner or owners, his or their executors and administrators, shall be liable to render his or their account of the use and profit of such common property to his or their fellow commoner or commoners, jointly or severally; and such the fellow commoner or commoners, or any or either of them, their executors, or administrators, may and are hereby authorized to have his or their action of account against such receiver or receivers, or either of them, as his or their bailiff or bailiffs, for receiving more than his or their part or proportion as aforesaid.

Of appeal from judgment, in.

SEC. 2. Any defendant in such action may appeal to the next term of the supreme court to be holden in the same county, from a

judgment of the court of common pleas against him that he shall account; but if no such appeal be prayed in open court, within two days next after such judgment, the same shall be final.

SEC. 3. Upon rendering final judgment against the defendant in such action that he shall account, the court rendering the same shall appoint not exceeding three auditors; who, upon being sworn by said court, or any justice of the peace or notary public, to a faithful and impartial discharge of their duties, shall appoint a time and place to meet the parties in such action, and to take the account as required in such judgment, and give notice thereof to said parties.

Of the appointment, qualification, and duties of auditors in.

SEC. 4. Whenever any defendant shall unreasonably refuse or neglect to appear at the time and place assigned by such auditors, or, after appearing, shall refuse or neglect to render an account, the auditors may award to the plaintiff the whole of his demand; and it shall be in the power of the auditors to administer an oath to the parties respectively, and to examine them respecting their accounts and the matters submitted to them; and upon either of the parties refusing to take an oath truly to answer such questions as shall be asked, or to answer directly to the interrogatories put to him, it shall be in the power of the auditors to commit him to jail, there to remain at his own charge until he consent to take such oath, and answer such interrogatories.

Of powers of auditors.

SEC. 5. Whenever the auditors appointed in any case shall have made their report or award concerning the matters submitted to them to the court from whence they shall have received their appointment, if no legal cause shall be shown for setting aside such award or report, judgment shall be rendered in conformity thereto, and also for costs, including such reasonable allowance to the auditors for their services as the court shall judge proper to make; and the said compensation to the auditors shall be paid down by the party in whose favor final judgment shall be rendered, before he shall have execution on such judgment.

Of judgment and costs on report, and compensation of auditors, how paid.

SEC. 6. A major part of the auditors appointed in any case, agreeing and signing such report or award, the same shall be equally binding and conclusive as if agreed to and signed by all of them: *Provided* that it shall be necessary, in order to give validity to such report or award, that all the auditors shall accept of their appointment, and meet on the subject matter thereof.

Auditors to act by majority, but all to accept and meet.

TITLE XXX.

OF CRIMES AND PUNISHMENTS.

- CHAPTER 226. Of offences against the sovereignty of the state.
- CHAPTER 227. Of offences against public justice.
- CHAPTER 228. Of offences against the person.
- CHAPTER 229. Of offences against the public peace, and property.
- CHAPTER 230. Of offences against private property.
- CHAPTER 231. Of forging and counterfeiting.
- CHAPTER 232. Of offences against chastity, morality, and decency.

CHAPTER 233. Of offences against the public health.

CHAPTER 234. Of offences against public policy.

CHAPTER 235. General provisions concerning crime.

CHAPTER 226.

OF OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

SECTION

1. Treason by levying war, &c., how punished.
2. Misprision of treason defined, and how punished.
3. Treason by levying war, &c., how to be proved.
4. Illegal meetings for elections declared void, and penalty upon moderator, &c., of.
5. Being candidate for office by virtue of illegal election, how punished.
6. Exercising certain offices by virtue of illegal elections, how punished.

SECTION

7. Illegal meetings for elections declared riotous, &c., assemblies, and how to be dispersed.
8. Jurisdiction over treasonable offences, where vested; in what county exercisable.
9. Warrant for apprehension of such criminals, how to be allowed.
10. Of proceeding against persons accused of treasonable offences, and warrant against, how directed, served, and executed.

Treason by, levying war, &c., how punished.

SECTION 1. Every person who shall be convicted of treason against this state by levying war against the same, or by adhering to the enemies of this state, giving them aid and comfort, shall be imprisoned during life.

Misprision of treason defined, and how punished.

SEC. 2. If any person shall have knowledge of the commission of treason against this state by levying war against this state, or by adhering to the enemies of the state, giving them aid and comfort, and shall conceal the same, and shall not as soon as may be disclose and make known such treason to the governor or to some magistrate, such person shall be deemed guilty of misprision of treason against this state, and upon conviction thereof shall be imprisoned not exceeding twenty years, nor less than five years, or be fined not exceeding ten thousand dollars.

Treason, by levying war, &c., how to be proved.

SEC. 3. No person shall be convicted of treason against this state by levying war against the same, or by adhering to the enemies of this state, giving them aid and comfort, but by testimony of two lawful witnesses to the same overt act for which he shall then be on trial, unless he shall in open court confess the same.

Illegal meetings for elections declared void, and penalty upon moderator, &c., of.

SEC. 4. All town meetings of the freemen, inhabitants, or residents of this state, or of any portion of the same, for the election of any town, city, ward, county, or state officers, called or held in any town or city in this state, except in the manner, for the purposes, at the times, and by the persons by law prescribed, are illegal and void; and every person who shall act as moderator, warden, or clerk in such pretended meetings hereafter to be held, or in any manner receive, record, or certify votes for the election of any pretended town, city, ward, county, or state officers, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, nor less than five hundred dollars, and be imprisoned for a term of six

months: *Provided*, that this section is not intended to apply to cases in which, by accident, or mistake, some prescribed forms of calling town and ward meetings of the electors of the several towns and cities of this state shall be omitted or overlooked.

SEC. 5. Every person who shall in any manner signify that he will accept any legislative, executive, judicial, or ministerial office, by virtue of any pretended election in any such pretended town, ward, or other meetings, or shall knowingly suffer or permit his name to be used as a candidate therefor, shall be adjudged guilty of a high crime and misdemeanor, and be fined not exceeding two thousand dollars, and be imprisoned for the term of one year.

Being candidate for office by virtue of illegal election, how punished.

SEC. 6. If any person, except he be duly elected thereto according to the laws of this state, shall assume or exercise any of the legislative, executive, or ministerial functions of the office of governor, lieutenant-governor, senator, member of the house of representatives, secretary of state, attorney-general, or general treasurer of this state, within the territorial limits of the state, as the same are now actually had and enjoyed, either separately or with others, or shall assemble with others for the purpose of exercising any of said functions, he shall be imprisoned during life.

Exercising certain offices, by virtue of illegal elections, how punished.

SEC. 7. Such meetings as are described in the fourth section of this chapter, and also all meetings of persons other than those authorized by law, calling themselves when collected, or claiming to be the general assembly of this state, or either house thereof, are hereby declared to be riotous, tumultuous, and treasonable assemblies; and the commander-in-chief, the sheriff of any county, or any deputy sheriff, any justice of the supreme court, the mayors of the cities of Providence and Newport, or in their absence the board of aldermen of said cities, are hereby authorized and required to command such assemblies, or any of them to disperse; and if they do not forthwith obey said command, then by the civil posse, or if they deem it necessary by calling out and using for that purpose the whole or any portion of the military force of this state, within their respective jurisdictions, that they or either of them may deem sufficient therefor, to disperse such assemblies or any of them within their jurisdictions; and all such officers, civil and military, and persons under their command, are hereby directed to govern themselves accordingly.

Illegal meetings for elections declared riotous, &c., assemblies, and how to be dispersed.

SEC. 8. The supreme court alone shall have jurisdiction to try persons accused of offences against either or any of the foregoing sections. Indictments under the same may be preferred and found in any county, in the discretion of the attorney-general, without reference to the county in which the offence is charged to have been committed; but they shall be tried in the county where found, unless the court shall for good cause remove the same into some other county.

Jurisdiction over treasonable offences, where vested; in what county exercisable.

SEC. 9. No warrant shall issue to apprehend any person for any such offence, unless the complaint shall be first allowed of and endorsed or countersigned by the governor or by the attorney-general.

Of issue of warrants to apprehend for such offence.

SEC. 10. Whenever any person shall be adjudged to be probably guilty of any such offence, he may be committed to the state's jail, in any county, there to remain until discharged by order of law; and warrant of commitment shall issue accordingly, directed to the sheriff or his deputy, or to either of the town sergeants or constables in the same county with himself, and to the keeper of the state's jail in the county in which the accused is to be committed; which warrant may be executed by the officer charged therewith, although beyond his

Of proceedings against persons accused of treasonable offences, and service, &c., of warrant against.

precinct, and shall constitute him, while charged therewith, an officer, the obstructing of whom, while in the execution of his office, shall be punished as is, or may be by law, in other cases provided.

CHAPTER 227.

OF OFFENCES AGAINST PUBLIC JUSTICE.

SECTION

1. Perjury, defined and how to be punished.
2. Perjury and subornation of perjury, how to be punished.
3. Inciting to commit perjury, how to be punished.
4. Administering and taking oaths without authority, how.
5. Bribing judicial officer, how.
6. Acceptance of bribe by judicial officer, how.
7. Rescue of person charged with, or convicted of crime, how.
8. Obstructing, officer in execution of his office, h w.
9. Jailer or officer suffering voluntary escape of person charged with or convicted of crime, how punished.
10. For negligently suffering escape of, how.
11. Conveying instruments to prison-

SECTION

- ers to enable them to break jail how.
12. Conveying tools to or communicating with prisoners in state prison from outside of prison, how.
13. Conveying wine or liquors to prisoners in state prison, how.
14. Prisoners in, assaulting warden, &c., of, or escaping, &c., how to be punished.
15. Killing warden, &c., of, how.
16. Officers, how to be punished for extortion.
- 17 and 18. Falsely assuming to be officer, how punished.
19. Compounding of crimes, how.
20. Sheriffs, &c., for illegal delay of duty for reward, how.
21. Officers receiving fines, &c., and neglecting to pay them over, how.

Perjury defined.

SECTION 1. Every person of whom an oath or affirmation is or shall be required by law, who shall wilfully swear or affirm falsely, in regard to any matter or thing respecting which such oath or affirmation is or shall be required, shall be deemed guilty of perjury.

Punishment of, and of subornation of.

SEC. 2. Every person who shall be guilty of perjury, or of subornation of perjury, by procuring another to commit perjury, shall be imprisoned not exceeding twenty years.

Inciting to commit, how punished.

SEC. 3. Every person who shall endeavor to incite or procure an other to commit perjury, though the person incited do not commit perjury, shall be imprisoned not exceeding ten years.

Administering and taking oaths without authority, how.

SEC. 4. If any person not authorized by law to administer oaths and affirmations shall administer any oath, affirmation, or obligation in the nature of an oath, or if any person shall knowingly or willingly permit or suffer any such oath, affirmation, or obligation in the nature of an oath, to be administered to him by any person not authorized by law, every person so offending shall be fined one hundred dollars for every offence.

Bribing judicial officer, how.

SEC. 5. Every person who shall give any sum of money, or any bribe, present, or reward, or any promise or security for any, to obtain or influence the opinion, judgment, verdict, sentence, report, or award of any judge, justice of the peace, warden, juror, auditor,

referee, arbitrator, master in chancery, or person summoned as a juror, in any matter or cause pending or to be tried before him alone, or before him with others, shall be imprisoned not exceeding seven years, or shall be fined not exceeding one thousand dollars.

SEC. 6. Every judge, justice of the peace, warden, juror, auditor, referee, arbitrator, master in chancery, or person summoned as a juror, who shall accept, receive, or agree for in any way, any bribe, present, or reward to him offered, for the purpose of obtaining or influencing his opinion, judgment, verdict, sentence, report, or award, in any matter or cause depending or to be tried before him alone, or before him with others, shall be imprisoned not exceeding seven years, or be fined not exceeding one thousand dollars.

Acceptance of bribe by judicial officer, how.

SEC. 7. Every person who shall set at liberty or rescue, either by force or stratagem, any person convicted of any crime or offence, or in the custody of any officer upon any criminal charge, shall suffer the like imprisonment or penalty as the prisoner so rescued was sentenced to or would be liable to suffer upon conviction for the crime or offence wherewith he stood charged and in custody: *Provided*, that if the prisoner escaping shall be charged with or convicted of any crime, for which he may be imprisoned for any term exceeding ten years, the person convicted of so setting at liberty or rescuing shall be imprisoned not exceeding ten years, or fined not exceeding three thousand dollars.

Rescue of person charged with or convicted of crime, how.

SEC. 8. Every person who shall obstruct any officer, civil or military, while in the execution of his office, shall be imprisoned not exceeding one year, or fined not exceeding five hundred dollars.

Obstructing officer, how.

SEC. 9. Every jailer or other officer who shall voluntarily suffer any prisoner in his custody upon conviction or upon any criminal charge to escape, shall suffer the like imprisonment or penalty as the prisoner so escaped was sentenced to or would be liable to suffer upon conviction, for the crime or offence wherewith he stood charged and in custody: *Provided*, that if the prisoner escaping shall be charged with or convicted of any crime the punishment whereof is by law capital, or for which he may be imprisoned for any term exceeding ten years, the jailer or other officer so convicted of voluntarily suffering him to escape shall be imprisoned not exceeding ten years, or be fined not exceeding three thousand dollars.

Jailer or officer suffering voluntary escape of person charged with or convicted of crime, how punished.

SEC. 10. Every jailer or other officer who shall be convicted of negligently suffering any prisoner in his custody upon conviction or upon any criminal charge to escape, shall be imprisoned not exceeding one year, or fined not exceeding one thousand dollars.

For negligently suffering escape of, how.

SEC. 11. Every person who shall convey, without the knowledge of the jailer, any instrument or other thing whatsoever to any prisoner in any jail, whereby any prisoner might break jail, or in any way escape, shall be imprisoned not exceeding one year, or be fined not exceeding one thousand dollars; but in case any prisoner shall escape by means of any instrument or thing whatever to him so conveyed, the person so conveying the same shall suffer the like imprisonment and penalty as the prisoner so escaping was sentenced to or would be liable to suffer upon conviction for the crime or offence wherewith he stood charged and in custody: *Provided*, that if the prisoner so escaping shall be charged with or convicted of any crime the punishment whereof is by law capital, or for which he may be imprisoned for any term exceeding ten years, the person conveying such instrument or thing shall be imprisoned not exceeding ten years, or be fined not exceeding three thousand dollars; and moreover shall be

Conveying instruments to prisoners to enable them to break jail, how.

liable to pay all sums of money for which such prisoner was committed on execution, and all sums that shall be recovered against him in all suits in which he was committed on mesne process.

Communicating, &c., with prisoner in state prison from outside, &c., how.

SEC. 12. Every person who shall convey any tools to, or shall have any communication, or hold any conversation with, any prisoner confined in the state prison, from the outside of said prison, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one hundred dollars, or be imprisoned not exceeding three months.

Conveying liquor to, how.

SEC. 13. If any person shall convey or cause to be conveyed to any prisoner committed to the state prison any wine or any strong liquor, without the consent of the warden, he shall, on conviction of the offence, be fined not exceeding fifty dollars.

Prisoners in, assaulting warden, &c., of, or escaping, &c., how.

SEC. 14. If any prisoner confined in the state prison shall assault the warden, any under-keeper or other officer of said prison, or shall attempt to escape from said prison, or shall effect an escape therefrom, such prisoner shall be sentenced by the court to the same term of imprisonment in the state prison for which such prisoner was originally sentenced, except where the original sentence was imprisonment for life; to commence from the expiration of the original term of imprisonment of such prisoner.

Killing warden, &c., of, how.

SEC. 15. In case the warden, or any under-keeper, or any other officer of said prison be killed in any assault by a prisoner, such killing shall be murder.

Officers, how to be punished for extortion.

SEC. 16. Every officer appointed by the state or by any town in this state, whose fees are stated by law, who shall corruptly exact, or extort any more or greater fees for any service, than by law are stated and allowed, or who shall corruptly levy, demand, receive, or take, under color of his office, any bond, bill, or note, or other assurance or promise whatever, securing the payment of a greater sum of money for any service than he is by law authorized to demand and receive, shall be imprisoned not exceeding one year, or be fined not exceeding one thousand dollars.

Falsely assuming to be officer, how punished.

SEC. 17. Every person who shall falsely assume or pretend to be a judge, justice of the peace, warden, sheriff, deputy sheriff, town sergeant, city sergeant, or constable, and shall act as such, shall be imprisoned not exceeding one year, or be fined not exceeding one thousand dollars.

Same subject.

SEC. 18. Every person who shall falsely assume or pretend to be a town sealer of weights and measures, auctioneer, corder of wood, or fence viewer, and shall act as such, shall be fined not less than twenty dollars, nor more than one hundred dollars.

Compounding of crimes, how.

SEC. 19. Every person who shall be convicted of having knowledge of the commission of any crime or offence punishable by this title by imprisonment for the term of ten years or more, and of taking any money, gratuity, or reward, or any engagement therefor upon an agreement or understanding, express or implied, to compound or conceal such crime or offence, or not to prosecute therefor, or not to give evidence relative thereto, shall be imprisoned not exceeding five years, or be fined not exceeding five thousand dollars.

Sheriffs, &c., for illegal delay of duty, for reward, how.

SEC. 20. If any sheriff, deputy sheriff, town sergeant, city sergeant, or constable shall receive from any defendant or any other person any money, or other valuable thing, as a consideration, reward, or inducement for omitting or delaying to perform any duty pertaining to his office, he shall be imprisoned not exceeding six months, or be fined not exceeding five hundred dollars.

SEC. 21. Every officer who shall receive any fines, forfeitures, or

penalties shall forthwith pay the same into the proper office where by law they ought to be paid; and if any officer, judicial, executive, or ministerial, shall refuse or neglect, for the space of three months, to pay over any fine, forfeiture, or penalty, or any part thereof, which may have come to his hands, to the proper officer to whom by law the same ought to be paid or delivered, he shall be fined treble the value or amount of the fine, forfeiture, or penalty so withholden or not paid over.

Officers receiving and neglecting to pay over fines, how.

CHAPTER 228.

OF OFFENCES AGAINST THE PERSON.

SECTION

1. Murder, how to be punished.
2. Murder committed while under sentence of imprisonment for life, how.
3. Manslaughter, how.
4. Robbery, how.
5. Rape, how.
6. Slitting nose, &c., with intent to disfigure, how.
7. Engaging in duel, how.
8. Challenging or accepting challenge to duel, how.
9. Inhabitant of state, fighting duel out of state, by agreement made in the state, and wounding, so that person dies in state, of what to be tried and where, and how punished.
10. Seconds in such case, how and where.
11. Plea of former acquittal or conviction in such case.
12. Engaging in fight by previous appointment, how punished.
13. Seconds, abettors, &c., in such case, how.
14. Leaving this state and engaging in

SECTION

- fight by previous appointment, &c., how.
15. Power of certain officers to summarily arrest persons violating provisions of last three sections.
16. Poisoning food, drink, and medicine, with intent to kill or injure, how to be punished.
17. Malicious threatening to accuse of crime, or threatening injury, by writing, to extort money, &c., how.
18. Assault, with intent to commit murder, robbery, rape, burglary, and crime against nature, how.
19. Assault with dangerous weapons, how.
20. Malicious gouging, cutting off, and disabling limb, how.
21. Assault or battery, how.
22. Kidnapping citizen of state, how.
23. Unlawful attempts to procure marriage, &c., how.
24. Offences in last section mentioned, may be charged in indictment for murder, when.

SECTION 1. Every person who shall commit murder shall be imprisoned for life.

Murder, how punished.

SEC. 2. Every person who shall commit murder while under sentence of imprisonment for life shall be hung by the neck until dead.

By life convict, how.

SEC. 3. Every person who shall commit manslaughter shall be imprisoned not exceeding twenty years.

Manslaughter, how.

SEC. 4. Every person who shall commit robbery shall be imprisoned for life, or for any term not less than five years.

Robbery, how.

SEC. 5. Every person who shall commit rape shall be imprisoned for life, or for any term not less than ten years.

Rape, how.

SEC. 6. Every person who shall put out an eye, slit the nose, ear, or lip, or cut off, or bite off, or disable any limb or member of another, with malice aforethought, and with intent to maim or disfigure such

Slitting nose, &c., with intent to disfigure, how.

other, shall be imprisoned not exceeding ten years, nor less than one year.

Engaging in
duel, how.

SEC. 7. Every person who shall voluntarily engage in a duel with any dangerous weapon, to the hazard of life, shall be imprisoned not exceeding seven years, nor less than one year.

Challenging,
or accepting
challenge, to
duel, how.

SEC. 8. Every person who shall challenge another to fight a duel with any dangerous weapon, to the hazard of life, and every person who shall accept a challenge to fight such duel, though no duel be fought, shall be imprisoned not exceeding seven years, nor less than one year.

Of fighting duel
by inhabitant
of state, out of
jurisdiction of
state, and pun-
ishment, &c.,
for.

SEC. 9. Every person, being an inhabitant of or resident in this state, who shall fight a duel without the jurisdiction of this state, by previous appointment or engagement made within the same, and in such duel shall inflict a mortal wound upon any person, whereof the person so injured shall afterwards die within this state, shall be deemed guilty of manslaughter within this state; and may be indicted, tried, convicted, and sentenced in the county in which such death shall happen.

Of punishment,
&c., of seconds
in such case.

SEC. 10. Every person, being an inhabitant of or resident in this state, who shall, by previous appointment or engagement made within the same, be the second of either party in any such duel as is mentioned in the next preceding section, and shall be present as the second when such mortal wound is inflicted, whereof death shall ensue within this state, shall be deemed to be an accessory before the fact to the crime of murder within this state, and may be indicted, tried, convicted, and sentenced within the county where the death shall happen.

Plea of former
acquittal or
conviction in
such case.

SEC. 11. Any person indicted under either of the two sections next preceding may plead a former conviction or acquittal of the same offence, in the state or county in which such duel was fought; and such plea, if admitted or established, shall bar all further proceedings against such persons for the same offence within this state.

Engaging in
fight, &c., how
punished.

SEC. 13. Every person who shall, by previous appointment or arrangement, meet another person, and engage in a fight, shall be imprisoned not more than ten years, or be fined not exceeding five thousand dollars.

Seconds, abet-
tors, &c., of,
how.

SEC. 13. Every person who shall be present at any such fight as an aid, second, or surgeon, or who shall advise, encourage, or promote such fight, shall be imprisoned not more than five years, or be fined not exceeding one thousand dollars.

Leaving state,
&c., and en-
gaging in fight,
how.

SEC. 14. Every person, who shall, by previous appointment or engagement, leave this state and engage in a fight with another person, without the limits thereof, shall be imprisoned not more than five years, or be fined not exceeding five thousand dollars; and such person may be indicted, tried, convicted, and sentenced in any county in this state.

Of summary
arrest of such
persons, &c.

SEC. 15. Every sheriff, deputy sheriff, town sergeant, constable, city marshal, or any police officer shall arrest, forthwith, in any county, any person violating any of the provisions of the three next preceding sections, and shall detain such person until a warrant can be obtained for his arrest.

Poisoning food,
&c., with in-
tent to kill,
&c., how pun-
ished.

SEC. 16. Every person who shall mingle any poison with any food, drink, or medicine, with intent to kill or injure any person, and every person who shall wilfully poison any spring, well, or reservoir of water with such intent, shall be imprisoned for life, or for any term of years.

SEC. 17. If any person shall maliciously threaten to accuse another of any offence, or shall by any written or printed communication threaten any injury to the person or property of another, with intent thereby to compel the person so threatened to do any act against his will, or with intent to extort money or any pecuniary advantage, he shall be imprisoned not exceeding two years, or be fined not exceeding five hundred dollars.

Malicious threatening to accuse of crime, or threatening injury, &c., to extort money, how.

SEC. 18. Every person who shall make an assault, with intent to commit murder, robbery, rape, burglary, or the abominable and detestable crime against nature, shall be imprisoned not exceeding twenty years, nor less than one year.

Assault with intent to commit certain crimes, how.

SEC. 19. Every person who shall make an assault, or battery, or both, with a dangerous weapon, shall be imprisoned not exceeding two years.

Assault with dangerous weapon, how.

SEC. 20. Every person who shall pull out or put out an eye of another, voluntarily, maliciously, and of purpose, or cut off or otherwise disable any limb or member of any other person, maliciously and of purpose, shall be imprisoned not exceeding five years, nor less than one year.

Disabling limb, &c., of another, how.

SEC. 21. Every person who makes an assault, or battery, or both, shall be imprisoned not exceeding one year, or fined not exceeding one thousand dollars.

Assault or battery, how.

SEC. 22. Every person who shall transport or carry, or cause to be transported or carried, by land or water, any citizen of this state, or any other person lawfully residing or inhabiting therein, to any place without the limits of this state, without his consent or voluntary agreement, except in order to remove such person from one part of the state to another part of the same, or for the purpose of defending the same in time of war, agreeably to law, or except such person be sent by due course of law, shall be imprisoned not exceeding ten years nor less than one year.

Kidnapping citizen of state, how.

SEC. 23. Every person who, with the intent to procure the miscarriage of any pregnant woman, or woman supposed by such person to be pregnant, unless the same be necessary to preserve her life, shall administer to her, or cause to be taken by her, any poison or other noxious thing, or shall use any instrument or other means whatever, or shall aid, assist, or counsel any person so intending to procure a miscarriage, shall, if the woman die in consequence thereof, be imprisoned not exceeding twenty years, nor less than five years; and if she do not die in consequence thereof, shall be imprisoned not exceeding seven years nor less than one year: *Provided*, the woman whose miscarriage shall have been caused or attempted shall not be liable to the penalties prescribed by this section.

Unlawful attempt to procure miscarriage, &c., how.

SEC. 24. Every person who shall be indicted for the murder of any infant child, or of any pregnant woman, or of any woman supposed by such person to be or to have been pregnant, may also be charged in the same indictment with any or all the offences mentioned in the preceding section; and if upon the trial the jury shall acquit such person on the charge of murder, and find him guilty of the other offences, or either of them, judgment and sentence may be awarded against him accordingly.

Offences named in last section may be charged in indictment for murder, when.

CHAPTER 229.

OF OFFENCES AGAINST THE PUBLIC PEACE AND PROPERTY.

SECTION

- 1. Riotous assembly defined, and who may make proclamation to disperse; form of proclamation, and effect of disobedience to it.
- 2. Penalty for not aiding officer to disperse.
- 3. Riotous obstruction of officer from making proclamation, how to be punished.
- 4. Defacing or cutting public build-

SECTION

- ing, fence, or other property, how.
- 5. Breaking public or private lamp, how.
- 6. Creating false alarm of fire, how.
- 7. Disturbance of town, ward, religious, school, moral, literary, and scientific meetings, how to be punished.

Riotous assembly defined, and who may make proclamation to disperse :

SECTION 1. If any persons to the number of twelve or more, being armed with clubs or other weapons, or if any number of persons consisting of thirty or more, shall be unlawfully, routously, riotously, or tumultuously assembled, any judge or trial justice, justice of the peace, sheriff, mayor, deputy sheriff, town sergeant, or constable shall among the rioters, or as near to them as he can safely come, command silence while proclamation is making, and shall openly make proclamation in substance as follows : —

Form of proclamation, and

“ By virtue of the laws of this state, in relation to routs, riots, and tumultuous assemblies, I charge and command all persons here assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business, upon the penalties inflicted by said laws : God save the state.”

effect of disobedience to it.

And if such persons assembled as aforesaid shall not forthwith disperse themselves, every such officer may command sufficient aid, and seize, arrest, and secure in custody any or all such persons, so that they may be proceeded against according to law ; and if any such persons shall be killed or wounded by reason of their resisting the persons endeavoring to disperse or seize them, the said judge, justice, sheriff, mayor, deputy sheriff, town sergeant, constables, and their assistants shall be indemnified and held guiltless.

Penalty for not aiding officer to disperse.

SEC. 2. If any person, being commanded by such judge, justice, sheriff, deputy sheriff, mayor, town sergeant, or constable as aforesaid, shall refuse or neglect to afford the assistance required, he shall be fined not less than seven dollars, nor more than thirty dollars.

Riotous obstruction, &c., of officer from making proclamation, how punished.

SEC. 3. All persons who, after proclamation made as aforesaid, shall unlawfully, routously, riotously, and tumultuously continue together, or shall wilfully obstruct or hinder any such officer, who shall be known or shall openly declare himself to be such, from making such proclamation, shall be fined not exceeding one thousand dollars, or shall be imprisoned not exceeding one year ; and if any such persons so riotously assembled shall demolish or pull down, or begin to demolish or pull down, any dwelling-house or other building, ship, or vessel, or destroy any other property or thing, they shall be fined or imprisoned as aforesaid.

Defacing or cutting public building, fence, or other property, how.

SEC. 4. If any person shall wilfully cut or deface, or otherwise injure any public building, or fence, or other property belonging to this state, he shall be fined a sum not less than twice the amount of the damage done, unless that sum shall exceed twenty dollars ; if it shall exceed that sum, he shall be imprisoned not exceeding one year.

SEC. 5. Every person who shall wilfully break any public lamp or lantern, or any private lamp or lantern, set up in any town, shall, for every such lamp or lantern so broken, be fined not exceeding twenty dollars.

Breaking public or private lamp, how.

SEC. 6. Every person who shall intentionally create a false alarm of fire shall be fined not exceeding twenty dollars, or be imprisoned not exceeding thirty days.

Making false alarm of fire, how.

SEC. 7. Every person who shall wilfully interrupt or disturb any town or ward meeting, any assembly or people met for religious worship, any public or private school, any meeting lawfully and peaceably held for purposes of moral, literary, or scientific improvement, or any other lawful meeting, exhibition, or entertainment, either within or without the place where such meeting or school is held, shall be imprisoned not exceeding one year, or be fined not exceeding five hundred dollars.

Disturbing town, ward, religious, scientific, &c., meeting, how.

CHAPTER 230.

OF OFFENCES AGAINST PRIVATE PROPERTY.

SECTION

1. Arson, how to be punished.
2. Malicious burning, &c., of house not arson, or of ship or vessel, dam, lock, bridge, or flume, how.
3. Malicious burning, &c., of hay or corn stalks, lumber, &c., how.
4. Wilful burning of buildings, goods, &c., to injure insurer, how.
5. Married woman punishable for above crimes, though property burnt her husband's.
6. Setting fire to woods, how.
7. Burglary, how.
8. Breaking and entering other than dwelling-house, or ship, with intent to commit murder, rape, robbery, or larceny, how.
9. Entering dwelling-house in nighttime, and breaking and entering, or entering houses or ships in daytime, with intent to commit above crimes, how.
10. Larceny defined, and how to be punished.
11. Stealing from the person, how.
12. Receiving stolen goods, how.
13. Falsely personating another, &c., to receive money, how.
14. Obtaining money, &c., by false pretences or tokens, how.
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16. Embezzlement by officers of banks, how.
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22. Power of officers to arrest and detain persons committing such mischief.
23. Robbing of fish-pots, weirs, or nets, how punished.
24. Property stolen, how to be secured, returned, and disposed of.
25. Malicious firing into baiting place for wild pigeons, how.
26. Strewing powder and sulphur on such baiting place, how.
27. Wilful placing anything on railroad to hinder or impede passage of engine, car, &c., how.

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28. Wilful cutting or breaking of telegraph posts or wires, how.
29. Malicious destruction of, or injury to, public or private bounds, how.
30. Mischievous tearing, cutting, burning, or damaging, and writing, &c., on bank-bills, how.
31. Advertising business, &c., by painting, marking, &c., on fence, rocks, or other property of another, how.
32. Wilful breaking down or injuring mill-dams, &c., or mill ma-

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- chinery, or obstructing water of mill-pond, &c., how.
33. Wilfully and without right, &c., using boat or vehicle, horse, or ox, or milking cow of another, how.
34. Court authorized to sentence or bind over in its discretion.
35. Fraudulently evading payment of fare, how.
36. Surreptitiously obtaining, or disclosing, if an employee, contents of telegraphic message, how.
37. Malicious mischief to property, business, &c., of another, how.

Arson, how punished.

SECTION 1. Every person who shall commit arson shall be imprisoned for life, or for any term not less than ten years.

Burning of house, not arson, vessel, dam, lock, bridge, or flume, how.

SEC. 2. Every person who shall wrongfully or maliciously burn, or attempt to burn, or otherwise destroy any dwelling-house or other building whatever, the burning whereof shall not be arson at common law, or any ship or vessel, dam, lock, bridge, or flume, shall be imprisoned not exceeding ten years.

Of hay or corn stalks, lumber, &c., how.

SEC. 3. Every person who shall maliciously and wilfully burn, or attempt to burn, or otherwise destroy any stack of corn, hay, grain, straw, corn stalks or husks, any flax, or fence, or fencing stuff, any pile or parcel of boards, timber, or other lumber, or other property, except such the burning or destroying whereof is provided for in the two sections next preceding, shall be imprisoned not exceeding two years, or be fined not exceeding one thousand dollars.

Of buildings, goods, &c., to injure insurer, how.

SEC. 4. Every person who shall wilfully burn, or attempt to burn, any building, or any goods, wares, or merchandise, or other chattels, which shall at the time be insured against loss by fire, with intent to injure the insurer, whether such person be the owner of the property or not, shall be imprisoned not exceeding ten years, nor less than two years.

Married woman may be punished for, &c.

SEC. 5. The preceding four sections shall severally extend to a married woman who shall commit either of the offences therein described, though the property burned or destroyed shall belong partly or wholly to her husband.

Setting fire to woods, how punished.

SEC. 6. Every person who shall wilfully or carelessly set, or cause any fire to be set, in the woods in any part of this state, to run and spread at large, at any time of the year, under any pretence whatsoever, shall be imprisoned not exceeding two years.

Burglary, how.

SEC. 7. Every person who shall commit burglary shall be imprisoned for life, or for any term not less than five years.

Breaking and entering other than dwelling-house with intent to commit certain crimes, how.

SEC. 8. Every person who shall break and enter any bank, shop, office, or warehouse, not adjoining to or occupied with a dwelling-house, any meeting-house, church, chapel, court-house, town-house, college, academy, school-house, library, or other building erected for public use, or occupied for any public purpose, or any ship or vessel, in the night-time, with intent to commit murder, rape, robbery, or larceny, shall be imprisoned not exceeding ten years.

Entering dwelling-house in night-time, and breaking, en-

SEC. 9. Every person who shall enter any dwelling-house in the night-time, or break and enter, or enter in the daytime, any dwelling-house or other building, or any ship or vessel, with intent to

commit murder, rape, robbery, arson, or larceny, shall be imprisoned not exceeding five years, or be fined not exceeding five hundred dollars.

tering house, &c., in day-time, &c., how.

SEC. 10. Every person who shall steal any money, goods, or chattels, any note of the treasurer of this state for the payment of money, any bank-bill, any certificate of any bank, or of any public officer or corporation, securing the payment of money to any person, or certifying the same to be due, any order entitling a person to money or other article, any bill of exchange, bond, warrant, obligation, bill, or promissory note for the payment of money, or other valuable property, any record or paper belonging to any public officer, any writ, warrant, or other legal process, any book account, any receipt for money, or other article paid or delivered, any adjustment or document of any kind, relating to the payment of money or delivery of any article, any indenture of apprenticeship, any deed, covenant, indenture, or assurance whatever, respecting any property, real or personal, shall be deemed guilty of larceny, and shall be imprisoned not exceeding five years, or be fined not exceeding one thousand dollars.

Larceny defined, and how to be punished.

SEC. 11. Every person who shall steal or attempt to steal from the person of another any money, goods, chattels, or other article enumerated in the next preceding section, shall be imprisoned not less than one year, nor more than ten years.

Stealing from the person, how.

SEC. 12. Every person who shall fraudulently receive any stolen money or other article, knowing the same to be stolen, shall be deemed guilty of larceny, and be subject to the like imprisonment and penalty as is in the next preceding two sections prescribed for the punishment of the person stealing the same, although the person who stole the same may not have been prosecuted or convicted therefor.

Receiving stolen goods, how.

SEC. 13. Every person who shall personate another, or who shall falsely represent himself to be the agent or servant of another, and shall thereby receive any money or other property intended to be delivered to the person so personated, or to the alleged principal or master of such agent or servant, shall be imprisoned not more than five years, or be fined not exceeding one thousand dollars.

Falsely personating another, &c., to receive money, how.

SEC. 14. Every person who shall obtain from another designedly, by any false pretence in writing, or by any privy or false token, and with intent to defraud, any money or other article, or obtain with such intent the signature of any person to any written instrument, the false making whereof would be punishable as forgery, shall be deemed guilty of larceny, and shall be imprisoned not exceeding five years, or be fined not exceeding one thousand dollars.

Obtaining money, &c., by false pretences or tokens, how.

SEC. 15. If any officer, agent, clerk, or servant, or person to whom any money or other property shall be intrusted for any specific purpose, shall embezzle or fraudulently convert to his own use, or shall take or secrete, with intent to embezzle and fraudulently convert to his own use, any money or other property which shall have come into his possession or shall be under his care or charge, by virtue of such employment, or for such specific purpose, he shall be deemed guilty of larceny, and may be tried, sentenced, and punished, as for any other larceny.

Embezzlement, how.

SEC. 16. If any officer, agent, or servant of any incorporated bank shall embezzle or appropriate to his own use any moneys, goods, effects, or funds of any such bank, with intent to cheat or defraud the same, or any person whomsoever, he shall be deemed guilty

Embezzlement by officers of banks, how.

of larceny, and shall be fined not exceeding twenty thousand dollars, or be imprisoned for a term not exceeding twenty years.

Allegations, what sufficient in prosecutions under last two sections.

SEC. 17. In prosecutions under the next two preceding sections it shall be sufficient to allege generally in the indictment or complaint an embezzlement, fraudulent conversion, taking, or secreting with such intent, or an embezzlement or appropriation with intent to cheat or defraud, as the case may be, of money to a certain amount, or property of a certain value, without specifying any particulars of such embezzlement, and on the trial evidence may be given of any such embezzlement, fraudulent conversion, or appropriation, or taking or secreting with intent so to embezzle or fraudulently convert, committed within six months next after the time stated in the indictment; and it shall be sufficient to maintain the charge in the indictment, and shall not be deemed a variance, if it is proved, that any bullion, money, notes, bank-notes, check, draft, bill of exchange, or other security, or money or other property, of such person, copartnership, incorporated bank, or company, or other body corporate, of whatever amount, was fraudulently embezzled, appropriated, or converted, or taken or secreted with intent so to embezzle or convert, by such officer, agent, clerk, or servant, within said period of six months.

Fraudulent issue of stock, how.

SEC. 18. If any president, secretary, cashier, treasurer, or other officer or agent of any incorporated company or institution, shall fraudulently issue any stock or certificate of stock of any such company or institution, such president, secretary, cashier, treasurer, or other officer or agent shall be fined not less than one thousand dollars, and shall be imprisoned not exceeding ten years, nor less than one year.

Fraudulent deposit or pledge of goods, or evidence of property in goods by agent, or factor, how.

SEC. 19. If any agent or factor shall deposit or pledge any goods, wares, or merchandise, or any bill of lading, receipt, or certificate of a warehouse keeper or inspector, or any warrant or order for the delivery of goods which he shall have been intrusted with, or which shall have been consigned to him as a security for any money or other property borrowed or received by such agent or factor, and shall apply or dispose of the proceeds thereof to his own use, in violation of good faith, and with intent to defraud any such owner of such goods, every person so offending shall be deemed and taken to be guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding five years.

Dismemberment, killing, wounding, or poisoning beast of another, how.

SEC. 20. Every person who shall cut out the tongue, or otherwise dismember any beast, wilfully or maliciously, or wilfully or maliciously kill or wound any beast of another, or wilfully or maliciously administer poison to, or expose any poisonous substance with intent that the same should be taken or swallowed by any beast of another, shall be imprisoned not exceeding two years, or be fined not exceeding one thousand dollars; and shall moreover be liable to the owner of such beast for treble damages, to be recovered by action of trespass.

Taking away or maliciously injuring growing corn, vegetables, fruit, or buildings, &c., of another, how.

SEC. 21. Every person who shall take and carry away, without the consent of the owner thereof, any corn, grain, fruit, or growing vegetable out of any field, garden, or orchard, or shall maliciously root up, cut down, or otherwise injure or destroy any tree, root, fruit, or vegetable growing in any garden, field, orchard, highway, common or public square; or who shall maliciously or wantonly in any way injure or deface any building not his own, or break the glass or any part of it in any such building; or shall maliciously injure any fence on or enclosing lands not his own, shall be imprisoned not ex-

ceeding one year, or be fined not exceeding two hundred dollars; and every justice court within the town shall have jurisdiction over either of the offences in this section mentioned, whenever the value of the property taken or destroyed shall not exceed the sum of twenty dollars; and may sentence the offender to imprisonment not exceeding thirty days, or to be fined not exceeding twenty dollars.

SEC. 22. Every sheriff, deputy sheriff, town sergeant, constable, or police officer, who shall discover any person or persons in the act of taking and carrying away any growing fruit or vegetables as aforesaid, shall arrest such person or persons, and detain him or them in custody until a complaint can be made against him or them for the offence for which he or they shall have been arrested, and he or they be taken on a warrant issued upon such complaint: *Provided*, that such arrest and detention without a warrant shall not continue longer than the space of six hours.

Power of officers to arrest and detain persons committing such mischief.

SEC. 23. Every person who shall rob or draw any fish-pot, weir, or net belonging to any other person, shall be fined not exceeding twenty dollars.

Robbing of fish-pots, &c., how punished.

SEC. 24. The officer who shall apprehend any person as principal or accessory in any robbery or larceny shall secure the property alleged to be stolen, and shall be answerable for the same, and he shall annex a schedule thereof to his return, and upon conviction of the offender, the stolen property shall be restored to the owner.

Property stolen, how to be disposed of, &c.

SEC. 25. Every person who shall maliciously fire between the first days of April and November in any year, any gun, musket, blunderbuss, or pistol, within eighty rods of any baiting place, not his own property, and actually used in the proper season thereof for the baiting and netting of wild pigeons, shall be fined not exceeding twenty dollars, nor less than five dollars.

Firing into baiting place of wild pigeons, how punished.

SEC. 26. Every person who shall strew or place any powder or brimstone, or other sulphurous substance, upon any baiting place not his own property, or shall burn thereon any of said substances saturated with tar or turpentine, shall be fined not less than five, nor more than twenty dollars.

Strewing powder or sulphur on, &c., how.

SEC. 27. Every person who shall wilfully place upon any railroad anything with the intent to hinder or impede the passage of any locomotive, engine, or car over such railroad, or shall wilfully do any other act, matter, or thing, with intent to hinder, impede, or interrupt the passage of such locomotive, engine or car, shall be imprisoned not exceeding ten years, or be fined not exceeding ten thousand dollars.

Placing obstruction, &c., on railroad, how.

SEC. 28. Every person who shall wilfully cut or break down, or attempt to cut or break down, any post or upright on which the wires of any telegraph company are supported, or shall cut or break, or attempt to cut or break, the wire of any such company, or shall do any other act interrupting or intended to interrupt the communication of intelligence by any such company, shall be imprisoned not exceeding six months, or be fined not exceeding five hundred dollars.

Cutting, breaking, &c., of telegraph posts or wires, how.

SEC. 29. Every person who shall wilfully break down, remove, injure, or destroy any monument erected for the purpose of designating the boundaries of any town, or of any tract or lot of land, or any tree marked for that purpose, or stake set up to mark the line or grade of any railroad, shall be imprisoned not exceeding one year, or fined not exceeding five hundred dollars.

Destroying or injuring public or private bounds, how.

SEC. 30. Every person who shall wilfully and mischievously tear,

Tearing or damaging bank-bills, how.

cut, burn, or in any other manner damage and impair the integrity, strength, or usefulness for circulation of any bank-bill or note, issued by any corporation which is established as a bank in this state, or shall wilfully and mischievously write, print, blot, or stamp any impression on the same, or aid and abet in any of the offences aforesaid, shall be imprisoned not exceeding one year, nor less than one month.

Advertising by marking, &c., on property of another, how.

SEC. 31. Every person who shall advertise any goods, wares, or merchandise, or occupation or business, by painting or posting any writing, printing, sign, or device upon the fence, rocks, or other property of another person, without his consent thereto being first obtained, shall be fined ten dollars for every offence.

Breaking down or injuring mill-dams, or machinery, or obstructing water of mill-pond, &c., how.

SEC. 32. Every person who shall wilfully and maliciously break down, injure, remove, or destroy any dam, reservoir, canal, or trench, or any gate, flume, flash board, or other appurtenance thereof, or any of the wheels, mill-gear, or machinery of a water-mill, or wilfully or wantonly, without color of right, draw off the water contained in a mill-pond, reservoir, canal, or trench, or wilfully and maliciously, without color of right, obstruct the water of a mill-pond, reservoir, canal, or trench, from flowing out of the same, shall be imprisoned not exceeding five years, or be fined not exceeding two thousand dollars.

Using without right, vehicle, horse, or ox, or milking cow of another, how.

SEC. 33. Every person who shall wilfully, mischievously, and without right take or use any boat, carriage, wagon, or vehicle of any kind, or take, drive, ride, or use any horse, or ox, or milk any cow, the property of another, without the consent of the owner, or the person having the lawful care or custody of the same, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months: *Provided*, that nothing herein contained shall apply to any case where property is taken with the intent to steal the same, or where it is taken under the claim of right or with the presumed consent of the owner, or the person having the lawful custody of the same.

Power of court to sentence or bind over, in its discretion.

SEC. 34. Every person convicted of any of the offences in the last section mentioned may be sentenced by the court to pay a fine not exceeding twenty dollars, or to imprisonment not exceeding three months; and in case of persons under the age of eighteen years, to confinement in the Providence Reform School during his or her minority, or, in the alternative, to three months' imprisonment in jail and payment of costs; but if it shall appear to such court that such punishments are inadequate to the offence, the like course shall be taken with the accused as though he were complained of for an offence beyond the jurisdiction of the court trying the same.

Evading payment of fare, how punished.

SEC. 35. Every person who shall fraudulently evade, or attempt to evade the payment of any fare, lawfully established by any railroad company or by the owners or charterers of any steamboat or ferry-boat, or by any steamship company, either by giving a false answer to the collector of the fare, by travelling beyond the point to which he may have paid his fare, or by leaving the train, steamboat, ferry-boat, or steamship without having paid the fare established for the distance travelled, or otherwise, shall be fined not less than five dollars, nor more than twenty dollars, for each and every offence.

Surreptitiously obtaining, &c., contents of telegram, how.

SEC. 36. Every person who shall surreptitiously obtain, or attempt to obtain the contents of any private telegraphic message, and every employee of any telegraphic company who shall disclose the contents or purport of any private telegraphic message to a person not author-

ized to receive the same, shall be fined not exceeding one thousand dollars.

SEC. 37. Every person who shall wilfully and maliciously or mischievously injure or destroy the property of another, or obstruct the use of the property of another, or obstruct another in the prosecution of his lawful business or pursuits, in any manner the punishment whereof is not specially provided for by statute, shall be fined not exceeding twenty dollars, or be imprisoned not exceeding three months.

Malicious mischief to property, business, &c., of another, how.

CHAPTER 231.

OF FORGING AND COUNTERFEITING.

SECTION

1. Forging and counterfeiting defined, and how to be punished.
2. Forging, &c., of certificate of state debt, or bank-bill, or note, how.
3. Passing such counterfeit certificate or bank-bill, or note, knowing same to be counterfeit, how.
4. Bringing counterfeit securities, &c., bank-bills, or notes, into state with intent to pass them, how.
5. Engraving, &c., or making, &c., instruments to make counterfeit bank-bills or notes, or having such instruments in possession for use, how.
6. Evidence that signature to bank-bill or note is counterfeit, what may be.
7. Forging or counterfeiting current

SECTION

- gold and silver coin, how to be punished.
8. Uttering or tendering falsely such coin, how.
9. Designedly bringing such coin into this state, with intent to utter it, how.
10. Making, &c., instruments for the purpose of counterfeiting current coin, how.
11. Of seizure and destruction of such instruments.
12. Plates and dies of banks whose charters have expired or been forfeited, how to be disposed of.
13. Penalty upon directors of such banks for not so disposing of them.

SECTION 1. Every person who shall falsely make, alter, forge, or counterfeit, or procure to be falsely made, altered, forged, or counterfeited, any public record, or any writ, process, or proceeding in any court of justice in this state, any certificate or attestation of any judge, justice of the peace, warden, notary public, clerk of any court, town clerk, city clerk, or other public officer, in any matter wherein such certificate or attestation may be received as legal proof, any charter, deed, will, testament, bond or writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, order, acquittance, discharge for or upon the payment of money or delivery of goods, or any acceptance of a bill of exchange, or any endorsement, assignment, or guaranty of any bill of exchange or promissory note, or any certificate, or accountable receipt for money, goods, or any other thing, or any warrant, order, or request for the payment of money or delivery of goods, or for the delivery of any note, bill, or other security for money or goods, or any lottery ticket, or part or share of any lottery ticket in any lottery authorized by the laws of any state, territory, or country, or any writing whatsoever purporting to contain evidence of any debt, contract, or promise, or of the discharge, pay-

Forging and counterfeiting defined, and how to be punished.

ment, or satisfaction of any debt, contract, or promise, with intent to defraud, or of uttering and publishing as true, or of procuring to be uttered and published as true, any such false, forged, altered, or counterfeited record, deed, or other writing aforementioned, knowing the same to be false, forged, altered, or counterfeited with intent to defraud, shall be imprisoned not exceeding ten years, nor less than two years.

Forging, &c., of certificate of state debt, or bank-bill or note, how.

SEC. 2. Every person who shall falsely make, forge, counterfeit, or falsely alter any note, certificate, or other security, in imitation of and purporting to be a note, certificate, or other security, which has been or hereafter may be issued for any debt of this state, or any bank-bill or note, in imitation of or purporting to be a bank-bill, which has been or hereafter may be issued by any corporation which is or hereafter may be established as a bank, in this state or elsewhere, shall be imprisoned not exceeding ten years, nor less than two years.

Passing same, knowing it to be counterfeit, &c., how.

SEC. 3. Every person who shall utter, publish, pass, or tender in payment as true any such false, forged, counterfeited, or alter certificate, security, or bank-bill or note, knowing the same to be false, forged, counterfeited, or altered, with intent to defraud, shall be imprisoned not exceeding ten years, nor less than two years.

Bringing same into state with intent to pass, how.

SEC. 4. Every person who shall bring into this state, or have in his possession or custody within this state, any such false, forged, counterfeited, or altered certificate or security, bank-bill or note, knowing the same to be false, forged, counterfeited, or altered, with intent to utter, pass, or tender in payment the same as true, shall be imprisoned not exceeding ten years nor less than two years.

Engraving, &c., or making, &c., instrument for counterfeiting bank-notes, &c., or having same in possession for use, how.

SEC. 5. Every person who shall engrave, form, make, or mend, or begin to engrave, form, make, or mend any plate, stone, paper, rolling press, or other instrument or material devised, adapted, and designed for the stamping, forging, or making any false, forged, and counterfeited bank-bill or notes, in imitation of bank-bills or notes which have been or shall be issued by any bank which is or hereafter may be established as a bank in this state or elsewhere, or shall have in his possession or custody any such plate or stone engraven in any part, or any such paper, rolling press, or other instrument or material devised, adapted, or designed as aforesaid, with intent to use and employ the same, or to cause or permit the same to be used and employed in making any such false and counterfeited bank-bill or note, shall be imprisoned not exceeding ten years, nor less than two years.

Evidence that signature to bank-note is counterfeit, what may be.

SEC. 6. In no prosecution for forging, counterfeiting, or altering any bank-bill or note, or for uttering, passing, or tendering in payment as true any such false, forged, counterfeited, or altered bank-bill or note, or for bringing into this state, or for having in possession or custody, any such false, forged, counterfeited, or altered bank-bill or note, with intent to pass the same as true, knowing the same to be false, forged, counterfeited, or altered, shall the testimony of any person whose name is purported to be signed to such bill or note, or his personal attendance as a witness be requisite, when he shall be absent from this state at the time of such trial, or when his place of residence shall be without the limits of this state, or more than thirty miles from the place of trial; but the testimony of any competent witness who is acquainted with the handwriting of such person, or who has knowledge of the difference of true and counterfeit or altered bank-bills, and who is skilled therein, shall be received as competent evidence to prove any such bank-bill or note to be false, forged, counterfeited, or altered.

SEC. 7. Every person who shall forge or counterfeit any coin, in imitation or similitude of any gold or silver coin current within this state by law or usage, shall be imprisoned not exceeding ten years, nor less than two years.

Forging, &c., gold or silver coin, how punished.

SEC. 8. Every person who shall utter or tender in payment as true any false, forged, or counterfeit coin, made and forged in imitation and similitude of any gold or silver coin current within this state by law or usage, knowing the same to be false or counterfeit, with intent to defraud, shall be imprisoned not exceeding ten years, nor less than two years.

Uttering or tendering falsely, such coin, how.

SEC. 9. Every person who shall bring into this state, or have in his possession or custody any false or counterfeit coin, made and forged in imitation and similitude of any gold or silver coin current within this state by law or usage, knowing the same to be false or counterfeit, with intent to utter or pass the same in payment as true, shall be imprisoned not exceeding ten years, nor less than two years.

Bringing into state, or having same with intent to pass, how.

SEC. 10. Every person who shall cast, stamp, engrave, form, make, or mend, or begin to cast, stamp, engrave, form, make, or mend, or have in his possession or custody any mould, pattern, die, punch, press, or other tool or instrument whatever, devised, adapted, and designed for the forging or making any false or counterfeit coin in imitation and similitude of any gold or silver coin current within this state by law or usage, with intent to use and employ the same, or to cause the same to be used or employed in forging or making any such false or counterfeit coin as aforesaid, shall be imprisoned not exceeding ten years, nor less than two years.

Making, &c., instruments for counterfeiting current coin, how.

SEC. 11. Whenever any false, forged, or counterfeit bank-bills or notes, or any plates, dies, or other tools, instruments, or implements used by counterfeiters, or designed for the forging or making of any false or counterfeit notes, coin, or bills, shall come to the knowledge of any sheriff, deputy sheriff, constable, or police officer in this state, such officer shall immediately seize and take possession of the same, and deliver the same into the custody of the supreme court or court of common pleas in the county in which the same shall be; and such court shall, as soon as the ends of justice will permit, cause the same to be destroyed by an officer of the court, which officer shall make a return to the court of his doings in the premises.

Of seizure and destruction of such instruments.

SEC. 12. Whenever the charter of any bank in this state shall expire or become forfeited, or whenever any such bank shall close its business for any cause whatever, the directors of such bank which shall have been last in office shall forthwith deliver up all their plates and dies to the supreme court or court of common pleas in the county in which such bank shall have been located or established, and such court shall cause the said plates and dies to be disposed of in such manner as the court shall deem expedient, in order to prevent their being afterwards used for any unlawful purpose.

Of disposition of plates and dies of banks whose charters have expired or are forfeited.

SEC. 13. Every such director who shall wilfully neglect or refuse to comply with the requirements of the preceding section shall be punished by a fine not exceeding five hundred dollars, to be recovered by indictment before any court of competent jurisdiction.

Penalty for not so disposing of them.

CHAPTER 232.

OF OFFENCES AGAINST CHASTITY, MORALITY, AND DECENCY.

SECTION

1. Bigamy defined, and how to be punished.
2. Adultery defined, and how to be punished.
3. Seduction under promise of marriage, how.
4. Enticing female before virtuous, into house of ill-fame, or aiding in concealing such female, how.
5. Of complaint and search-warrant to search houses of ill-fame for such female.
6. Keeping house of ill-fame, how to be punished.
7. Lease of such house avoided by conviction of lessee.
8. Fornication, how to be punished.
9. Intermarrying or committing adultery or fornication, by persons within prohibited degrees of consanguinity, how.
10. Concealment of birth or death of bastard, how.
11. Indictment for such concealment may include both offences.
12. Crime against nature, how to be punished.
13. Importing, printing, selling, &c., obscene books, prints, &c., how.

SECTION

14. Of search-warrant for such books, &c., and when found, how books, &c., to be disposed of and destroyed.
15. Blasphemy, how to be punished.
16. Profane cursing and swearing, how.
- 17 and 18. Sabbath breaking, how.
19. Complaints for Sabbath, within what time to be made.
20. Saving of liberty of Sabbatarians and Jews, &c., and evidence of their right to exemption as such.
21. Digging up and concealing dead bodies, how.
22. Malicious defacing or removing tombstone, &c., or railing, &c., of place of burial, or desecrating grave, &c., how.
23. Advertising, &c., notices, &c., of means to procure miscarriage, how.
24. Persons neglecting to provide for their families, &c., drunkards, idlers, sturdy beggars, vagrants, prostitutes, disorderly persons, common cheats, &c., how.
25. Common drunkard, who deemed to be.

Bigamy defined, and how punished.

SECTION 1. Every person who shall be convicted of being married to another, or of cohabiting with another as husband and wife, having at the time a former husband or wife living, shall be imprisoned not exceeding five years, nor less than one year, or be fined not exceeding one thousand dollars: *Provided*, that this shall not extend to any person whose husband or wife shall be continually remaining without the limits of this state for the space of seven years together, the party being married after the expiration of said seven years, not knowing the other to be living within that time; nor to any person who shall be divorced at the time of such second marriage; nor to any person by reason of any former or prior marriage, made when the man was less than fourteen and the woman less than twelve years of age.

Adultery defined, and how punished.

SEC. 2. Every person who shall commit adultery shall be imprisoned not exceeding one year, or be fined not exceeding five hundred dollars; and illicit sexual intercourse between any two persons, where either of them is married, shall be deemed adultery in each.

Seduction under promise of marriage, how punished.

SEC. 3. Every person who shall obtain carnal knowledge of any female by virtue of any feigned or pretended marriage, or of any false or feigned express promise of marriage, shall be imprisoned not ex-

ceeding five years, or be fined not exceeding five thousand dollars ; but no person shall be convicted of said crime upon the testimony of the female unless the same be corroborated by other evidence.

SEC. 4. Every person who shall inveigle or entice any female before reported virtuous to a house of ill-fame, or shall knowingly conceal, or aid or abet in concealing any such female so deluded or enticed, for the purpose of prostitution or lewdness, shall be imprisoned not exceeding five years, or fined not exceeding five thousand dollars.

Enticing female into house of ill-fame, how.

SEC. 5. Whenever there is reason to believe that any female has been inveigled, deluded, or enticed to a house of ill-fame as aforesaid, upon complaint thereof being made under oath by any overseer of the poor, sheriff, deputy sheriff, town sergeant, or constable, or by the parent, master, or guardian of such female, to any trial justice or clerk of a justice court authorized to issue such warrants, such justice or clerk may issue his warrant, to enter by day or night such house or houses of ill-fame, and to search for such female, and to bring her and the person in whose possession or keeping she may be found before such justice court ; who may, on examination, order her to be delivered to such overseer, parent, master, or guardian, or to be discharged, as law and justice may require.

Of complaint and search-warrant, to search houses of ill-fame for such female.

SEC. 6. Every person who shall keep a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be imprisoned not less than sixty days, nor more than one year, and be fined not less than two hundred dollars, nor more than one thousand dollars ; and every person who, after having been once convicted of such offence, shall again be convicted of a like offence, shall be imprisoned not less than one year and not exceeding three years.

Keeping house of ill-fame, how punished.

SEC. 7. Whenever the lessee of a dwelling-house shall be convicted of keeping the same as a house of ill-fame, the lease or contract for letting such house shall, at the option of the lessor, become void ; and such lessor shall thereupon have the like remedy to recover possession as against a tenant holding over after the expiration of his term.

Lease avoided by conviction of lessee.

SEC. 8. Every person who shall commit fornication shall be fined not exceeding ten dollars.

Fornication, how punished.

SEC. 9. Persons within the degrees of consanguinity, within which marriage is by law prohibited or declared to be null and void, who shall intermarry or commit adultery or fornication with each other, shall be imprisoned not exceeding twenty years, nor less than five years.

Marriage, &c., within prohibited degrees, how.

SEC. 10. Every woman who shall conceal the birth of any issue of her body, which, if it were born alive, would be a bastard, so that it may not be known whether it was born dead or alive, or conceal the death of any infant bastard child born of her body, so that it may not be known whether such child was murdered or not, shall be imprisoned not exceeding ten months, or be fined not exceeding three hundred dollars.

Concealment of birth or death of bastard, how.

SEC. 11. Any woman who shall be indicted for the murder of her infant bastard child, may also be charged in the same indictment with either or both of the offences mentioned in the next preceding section ; and if upon the trial the jury shall acquit her on the charge of murder, and find her guilty of the other offences, or either of them, judgment and sentence may be awarded against her accordingly.

Indictment for, may include both offences, &c.

SEC. 12. Every person who shall be convicted of the abominable and detestable crime against nature, either with mankind or with

Crime against nature, how punished.

any beast, shall be imprisoned not exceeding twelve years, nor less than seven years.

Importing, printing, selling, &c., obscene books, prints, &c., how.

SEC. 13. Every person who shall import, print, publish, sell, or distribute any book, pamphlet, ballad, printed paper, or other thing, containing obscene language, or obscene prints, pictures, figments, or other descriptions, manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school, or place of education, or shall buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into any family, school, or place of education, shall be imprisoned not exceeding one year, or be fined not exceeding five hundred dollars.

Of search-warrant for such books, &c., and disposition of same when found.

SEC. 14. Any trial justice within his county may issue a search-warrant for the purpose of searching for any such obscene book, pamphlet, ballad, printed paper, or other thing mentioned in the preceding section, complaint being first made to him in writing and on oath, as is required before the issuing of search-warrants in other cases; and all such things which shall be found by any officer in executing any such search-warrant, or which shall be produced and brought into court, shall be safely kept so long as shall be necessary, for the purpose of being used as evidence in any case; and, as soon as may be afterwards, shall be destroyed by order of the court before which the same shall be brought.

Blasphemy, how punished.

SEC. 15. Every person who shall commit blasphemy shall be imprisoned not exceeding two months, or be fined not exceeding two hundred dollars.

Profane swearing and cursing, how.

SEC. 16. Every person who shall be guilty of profane swearing and cursing shall be fined not exceeding five dollars.

Sabbath breaking, how.

SEC. 17. Every person who shall do or exercise any labor or business, or work of his ordinary calling, or use any game, sport, play, or recreation on the first day of the week, or suffer the same to be done or used by his children, servant, or apprentices, works of necessity and charity only excepted, shall be fined not exceeding five dollars for the first offence, and ten dollars for the second and every subsequent offence.

Same subject.

SEC. 18. Every person who shall employ, improve, set to work, or encourage any other person's servant to commit any act named in the preceding section, and be convicted thereof, shall suffer the like punishment.

Limitation of complaints.

SEC. 19. All complaints for offences against the two sections next preceding shall be made within ten days after the committing thereof, and not after.

Saving of liberty of Sabbatharians, Jews, &c., and evidence of their right to exemption as such.

SEC. 20. Every professor of the Sabbatarian faith or of the Jewish religion, and such others as shall be owned or acknowledged by any church or society of said respective professions, as members of, or as belonging to such church or society, shall be permitted to labor in their respective professions or vocations on the first day of the week; but the exception in this section contained shall not confer the liberty of opening shops or stores on the said day for the purpose of trade and merchandise, or lading, unloading, or of fitting out of vessels, or of working at the smith's business, or any other mechanical trade in any compact place, except the compact villages in Westerly and Hopkinton; or of drawing seines, or fishing, or fowling in any manner in public places, and out of their own possessions; and in case any dispute shall arise respecting the person entitled to the ben-

eft of this section, a certificate from a regular pastor or priest of any of the aforesaid churches or societies, or from any three of the standing members of such church or society, declaring the person claiming the exemption aforesaid to be a member of, or owned by, or belonging to such church or society, shall be received as conclusive evidence of the fact.

SEC. 21. Every person who shall secretly disinter, dig up, remove, or carry away any human body from its place of sepulture, or knowingly conceal any such body so dug up or carried away, shall be imprisoned not exceeding ten years, or fined not exceeding one thousand dollars.

Digging up and concealing dead bodies, how punished.

SEC. 22. Every person who shall wilfully and maliciously destroy, mutilate, deface, cover over, injure, or remove any tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, tree, shrub, or other thing intended for the protection or for the ornament of any tomb, monument, gravestone, or other structure of the like character and designed for the purposes aforesaid, or of any enclosure for the sepulture of the dead, or dig or plough up, cultivate, or build upon, or within any enclosure or plot of ground used and occupied for the sepulture of the dead, or shall commit any nuisance therein, or wantonly disturb, remove, or in any way desecrate the contents of any grave in any such enclosure or plot of ground, shall be imprisoned not exceeding ten months, or be fined not exceeding five hundred dollars.

Defacing or removing tombstone, railing, &c., of burial-place, or desecrating grave, &c., how.

SEC. 23. Every person who shall advertise, print, publish, distribute, or circulate, or shall cause to be advertised, printed, published, distributed, or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement, or reference, containing words or language giving or conveying any notice, hint, or reference to any person, or to the name of any person, real or fictitious, from whom, or to any place, house, shop, or office, where anything whatever, or any instrument or means whatever, or any advice, direction, information, or knowledge may be obtained for the purpose of causing or procuring the miscarriage of any pregnant woman, shall be imprisoned not exceeding three years.

Advertising, &c., notices, &c., of means to procure abortion, how.

SEC. 24. Every person who shall abandon his wife or children, leaving them in danger of becoming a public charge, or who may neglect to provide according to his means for the support of his wife or children, or who, being a habitual drunkard, shall neglect or refuse to aid in the support of his family; every idle person, who, being of doubtful reputation and having no visible means of support, shall live without employment; every sturdy beggar who shall apply for alms or solicit charity; every person wandering abroad and lodging in station-houses, out-houses, market-places, sheds, stables, or uninhabited buildings, or in the open air, and not giving a good account of himself; every person who shall go about from place to place to beg or to receive alms; every common prostitute, drunkard, and night-walker; every lewd, wanton, or lascivious person, in speech or behavior, common railer and brawler; every person who shall neglect all lawful business, and habitually misspend his time by frequenting houses of ill-fame, gaming-houses or tippling-shops; every common cheat, vagrant, or disorderly person; shall be imprisoned not less than six months, nor more than three years.

Persons neglecting to provide for their families, &c., drunkards, idlers, sturdy beggars, vagrants, prostitutes, disorderly persons, common cheats, &c., how punished.

SEC. 25. Every person who shall have been convicted three times within a period of six months, of intoxication, under such circum-

Common drunkard, who deemed to be.

stances as to amount to a violation of decency, or who shall be proved to have been thus intoxicated three several times within a period of six weeks, shall be deemed a common drunkard.

CHAPTER 233.

OF OFFENCES AGAINST THE PUBLIC HEALTH.

SECTION

1. Sale of diseased and unwholesome provisions, knowingly, how punished.
2. Adulteration of food or drink, for sale, how.

Sale of diseased, &c., provisions, how punished.

Adulteration of food or drink, how.

Adulteration of drugs or medicines, how punished.
Killing, &c., for sale, calf not four weeks old, how.

SECTION 1. Every person who shall sell any kind of diseased, corrupted, adulterated, or unwholesome provisions, whether for meat or drink, without making the same known to the buyer, shall be imprisoned not exceeding six months, or be fined not exceeding two hundred dollars.

SEC. 2. Every person who shall adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, shall be imprisoned not exceeding six months, or be fined not exceeding two hundred dollars.

SEC. 3. Every person who shall adulterate, for the purpose of sale, any drug or medicine, shall be imprisoned not exceeding six months, or be fined not exceeding two hundred dollars.

SEC. 4. Every person who shall kill, or cause to be killed, for the purpose of sale, any calf less than four weeks old, or shall sell, or have in his possession with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not exceeding twenty dollars.

SECTION

3. Adulteration of drugs or medicines, how.
4. Killing, &c., for sale, or having for sale meat of calf less than four weeks old, how.

CHAPTER 234.

OF OFFENCES AGAINST PUBLIC POLICY.

SECTION

1. Setting up, promoting, drawing, &c., of lotteries and devices in nature of, and selling lottery policies, &c., how to be punished.
2. Sale of lottery tickets, or certificates in nature of, how.
3. Notes, obligations, &c., given for lottery tickets, &c., void.
4. Purchasers of lottery tickets, &c., to recover their money paid for them, &c.

SECTION

5. Keeping place for gambling, or suffering same to be kept on his premises, dealing, &c., at faro, or other banking game, how to be punished.
6. Innholder, &c., license, in such case, to be declared void.
7. Enticing, &c., another to visit gambling place for gambling, how to be punished.
8. Complaint, &c., for keeping gam-

SECTION

- bling implements, and proceedings for forfeiture of same.
- 9. Such implements to be destroyed, when and how.
- 10. Recognizance for costs in such case, not required of officer complaining.
- 11. Officer's fees for seizing, what, and taxable in costs.
- 12. Persons playing, compellable to testify.

SECTION

- 13. Betting on horse-race, how to be punished.
- 14. Horse to be forfeited if started for bets with owner's knowledge.
- 15. Encouraging fights of birds or animals, keeping place for, &c., and betting thereon, how to be punished.
- 16. Bills, bonds, notes, &c., given for money won in gambling and betting, and for money lent for such purposes, void.

SECTION 1. Every person who shall, directly or indirectly, set up, put forth, carry on, promote, or draw, publicly or privately, any lottery, chance, game, or device of any nature or kind whatsoever, or by whatsoever name the same may be called, for the purpose of exposing, setting for sale, or disposing of any money, houses, lands, merchandise, or articles of value; or shall sell or expose to sale lottery policies, purporting to be governed by the drawing of any public or private lottery, or shall sign or endorse any book, document, or paper whatsoever, for the purpose of enabling others to sell, or expose to sale, lottery policies, shall be deemed guilty of a misdemeanor, and shall be imprisoned not exceeding two years, or be fined not exceeding two thousand dollars.

Setting up, promoting, drawing, &c., of lotteries, and selling lottery policies, &c., how punished.

SEC. 2. Every person who shall sell or expose to sale any ticket, or certificate in the nature of a ticket, or share in any ticket or certificate in the nature of a ticket, in any lottery set up within or without this state, shall be fined for every such ticket, certificate, or share of such ticket or certificate by him sold or exposed to sale, not exceeding fifty dollars.

Sale of lottery tickets, how.

SEC. 3. All notes, obligations, securities, or promises whatsoever given for the purchase of any lottery ticket or certificate, lottery policy, or of any document or paper taken or received for the purpose of enabling others to sell or dispose of lottery tickets or lottery policies, shall be null and void.

Notes, &c. given for lottery tickets, void.

SEC. 4. The purchaser or receiver of any lottery ticket, or certificate in the nature of a lottery ticket, or share in either, whether the same shall have been paid for in money, or however received, even though by way of gift, for the purpose of enabling the seller or giver of the same to dispose of any article or piece of property, real, personal, or mixed, shall recover back the amount by him paid, or the value at which, according to the proof, the ticket or certificate may be reckoned in the transaction, as the case may be, from the person of whom the ticket or policy was purchased or received, in an action on the case for money had and received.

Purchasers of lottery tickets, &c., to recover their money paid for them, &c.

SEC. 5. Every person who shall keep, or suffer to be kept, any building, room, booth, shed, tent, arbor, or any other place in any city or town of this state, or in any vessel, boat, or raft, upon any of the waters of the Narragansett Bay, to be used or occupied for the purpose of gambling, or playing at any game or games of chance of any kind whatever, for money or other valuable consideration; or shall keep, exhibit, or suffer to be kept or exhibited upon his premises, or under his control, any cards, dice, table, bowls, wheel of fortune, shuffle board or billiard table, or any device, implement, or apparatus

Keeping place for gambling, or suffering same, or having devices, &c., for gambling, on one's premises, or dealing at "faro," or other banking game, how punished.

whatever, to be used in gambling, or playing at any game or games of chance for money or other valuable consideration; or who shall be guilty of dealing "faro," or banking for others to deal "faro," or acting as lookout, game-keeper, or assistant for the game of "faro," or any other banking game where money or property is dependent on the result, shall be taken and held to be a common gambler, and shall be imprisoned not exceeding two years, or be fined not exceeding five thousand dollars, nor less than five hundred dollars.

Innholder,
&c., license to
be declared
void.

SEC. 6. If such person be a tavern-keeper, innholder, retailer, or keeper of any other house or place of public resort which is licensed, his license shall in addition be declared null and void by the court in which he shall be convicted.

Enticing an-
other to gam-
bling place,
how punished.

SEC. 7. Every person who shall, upon any pretext whatever, invite, entice, persuade, or induce any other person to visit any house, room, or other place kept for the purpose of gambling, with the intent that such other person shall at such place engage in gambling or playing at any game of chance, for money or other valuable consideration, shall be fined not less than five hundred dollars, and be imprisoned one year.

Complaint,
&c., for keep-
ing gambling
implements,
and proceed-
ings for for-
feiture of same.

SEC. 8. Complaint may be made, or an information filed, by the mayor, or city marshal, or chief of police of any city, the president of any town council, or any town sergeant within the city or town respectively where such officer shall reside, setting forth that the complainant has reason to believe, and does believe, that cards, dice, bowls, wheels of fortune, shuffle boards, or other gambling implements or apparatus, and which shall be described in such complaint as nearly as may be, are kept or suffered to be kept, to be used in gambling, or playing at any game or games of chance, for money or other valuable consideration, in any building, room, tent, booth, or any other place within the county in which the complaint is made or information filed, or in any vessel, boat, or other craft upon any of the waters of Narragansett Bay, and in such complaint or information particularly described, and such proceedings had thereon for the forfeiture of such gambling implements or apparatus as is by law prescribed for forfeiture of personal property, under penal statutes.

Such imple-
ments to be
destroyed,
when and how.

SEC. 9. Upon final judgment of forfeiture of such implements or apparatus, either in the original or appellate court, or upon forfeiture of the recognizance given by the claimant to prosecute his appeal according to law, the court shall order in writing such implements and apparatus to be destroyed by any officer authorized to serve the criminal process of such court, which officer shall make return of his doings upon such order to such court as in other cases.

Officer com-
plaining, not
liable for costs,
&c.

SEC. 10. No officer complaining or informing as aforesaid shall be required, at the time of making such complaint, to enter into recognizance, or in any way to become liable for the costs that may accrue thereon, or for any damages on account of such seizure.

Officer's fees
for seizing,
what, &c.

SEC. 11. In addition to the fees allowed by law, the officer who shall make service of any warrant for the seizure of any gambling implements or apparatus under the provisions of this chapter shall be allowed therefor the sum of one dollar; for the removing of any gambling implements or apparatus so seized to a place of safety, one dollar and all necessary expenses incurred in such removal; which fees shall be included in the bill of costs and taxed by the court.

Persons play-
ing, compella-
ble to testify.

SEC. 12. In any prosecution for an offence, and in any action or proceeding whatever under the provisions of this chapter, every person playing at the game in relation to which the prosecution, action,

or proceeding may be instituted, though the party prosecuting, suing, or complaining, shall be a competent witness for the advancement of such prosecution, action, or proceedings, and may be compelled to answer as to any matter relating thereto.

SEC. 13. Every person who shall make any bet, or lay any wager of any kind upon any horse, to start, run, or trot therefor, shall be fined one hundred dollars.

Betting on horse-race, how punished.

SEC. 14. Every person who shall knowingly suffer or permit any horse belonging to him, or of which he has the care and charge, to start, run, or trot for any bet or wager, shall forfeit his horse starting, running, or trotting as aforesaid, for the use of the state.

Horse forfeited, when.

SEC. 15. Every person who shall cause or encourage the fighting of any bird or animal with any other bird or animal, or shall keep or maintain any place for the fighting of birds or animals, or who shall knowingly permit or suffer any such fight to be had on his premises, or on premises under his control, or shall make any bet or lay any wager of any kind upon the result of such fight, shall be fined not exceeding twenty dollars, and be imprisoned not exceeding three months.

Encouraging fights of birds or animals, or keeping place for, &c., how punished.

SEC. 16. All bonds, notes, judgments, mortgages, deeds, or other securities, as well as promises, given or made for money, lands, houses, or other property, or article, or piece of property, real or personal or mixed, won at any game, or by betting at any race or fight, or for the repayment of any money knowingly lent for such gaming or betting, shall be utterly void.

Bills, bonds, notes, &c., given for money won in gambling, betting, &c., void.

CHAPTER 235.

GENERAL PROVISIONS CONCERNING CRIME.

SECTION

1. Common law offences, when and how to be punished.
2. Aiders, abettors, &c., to be proceeded against as principals or

SECTION

- accessories before the fact, and how to be punished.
3. Persons harboring criminals, in order to their escape, &c., when and how to be punished.

SECTION 1. Every act and omission which is an offence at common law, and for which no punishment is prescribed by this title, may be prosecuted and punished as an offence at common law. Every person who shall be convicted of any such offence at common law shall be imprisoned for a term not exceeding one year, or fined not exceeding one thousand dollars.

Common law offences, when and how to be punished.

SEC. 2. Every person who shall aid, assist, abet, counsel, hire, command, or procure another to commit any crime or offence, shall be proceeded against as principal, or as an accessory before the fact, according to the nature of the offence committed; and upon conviction shall suffer the like imprisonment as the principal offender is subject to by this title.

Aiders, abettors &c., how to be proceeded against, and how punished.

SEC. 3. Every person not standing in the relation of husband or wife, parent or grandparent, child or grandchild, brother or sister, by consanguinity or affinity, to another who shall have committed any offence, or been accessory before the fact to the commission of any

Persons harboring criminals, &c., when and how punished.

offence, who shall be convicted of knowingly harboring or relieving such other person, with intent that he shall escape or avoid detection, arrest, trial, or punishment, shall be imprisoned not exceeding five years, or be fined not exceeding one thousand dollars.

TITLE XXXI.

OF PROCEEDINGS IN CRIMINAL CASES.

CHAPTER 236. Of proceedings in criminal cases.

CHAPTER 237. Of fugitives from justice, and protection of officers of adjoining states.

CHAPTER 238. Of coroners and their inquests.

CHAPTER 236.

OF PROCEEDINGS IN CRIMINAL CASES.

SECTION

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2. Criminal's addition required in indictment, warrant, &c., but amendable.
3. Persons whose names are unknown, how to be proceeded against.
4. Defects of form amendable, and defects of substance, when.
5. Averments in indictment for perjury, what may be.
6. Averment of ownership of property in indictment, &c., for felony or misdemeanor, what sufficient.
7. Criminals, in what county to be proceeded against.
8. Crimes committed on Narragansett Bay out of county of Providence, where.
9. Power of courts to send *capias* into any county, in case prisoner be in another county, and of proceedings on *capias*.
10. Recognizance, how taken in such case, and returned.
11. Officers, protected in executing such *capias*.
12. What offences triable exclusively by supreme court.

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13. What offences bailable exclusively by said court, or a justice thereof, or by court of common pleas, in case indictment found therein.
14. Of release of person held on *capias*, &c., by justice of supreme court.
15. Persons in jail for crime, by whom bailable.
16. Persons imprisoned for murder, &c., to be bailed or discharged at second term, if not indicted.
17. Persons indicted and imprisoned for such crimes, when entitled to be tried or bailed at next term after pleading to indictment.
18. Plea to be entered in case of standing mute, &c.
19. Peremptory challenges limited.
20. Power of supreme court and court of common pleas to recognize witnesses.
21. Witness refusing to give recognizance, to be committed.
22. Power of court of record, to commit or recognize witness or affiant, perjured before it.
23. Power of, in such case, to detain books and papers.
24. Power of jury to convict of a

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- lower offence of same nature with that charged, when.
25. Defaulted recognizances, how to be proceeded with.
 26. Power of surety in recognizance to surrender principal.
 27. Such power, how to be exercised in discharge.
 28. Principal surrendered, recognizable anew, and how.
 29. Property, &c., detained as evidence, how to be disposed of after trial.
 30. How, if prisoner escapes.
 31. Deodands and benefit of clergy abolished; and of petit treason.
 32. Limitation in case of crimes, and exceptions to.
 33. Indictment stolen, lost, or destroyed, new one may be found, when.
 34. Corruption of blood and forfeiture of estate for crime, prohibited.
 35. Convicts, for what crimes civilly dead.
 36. Convicts, when to be sent to state prison and kept at hard labor, and when to county jail.
 37. When to be committed to the state workhouse and house of correction.
 38. When to be imprisoned in Providence county jail, and kept at labor therein, &c.
 39. Of allowance for labor to persons committed to or detained in Providence county jail for non-payment of fine or costs.
 40. Power of sheriff, town sergeants, and constables, to remove such persons to Providence county jail, reform school, &c.
 41. Of detention of such person in other jail, during reasonable time necessary for his removal.
 42. Person under sentence, convicted anew, how may be sentenced.
 43. Power of supreme court over persons sentenced, and to order them to be committed on sentence.
 44. Power of supreme court and court of common pleas, to order convict to be imprisoned in any county.
 45. Saving of persons imprisoned in

SECTION

- Providence county jail for certain offences.
46. Power of court to fix punishment, within limits of the law.
 47. Persons accused, under eighteen years of age, when may be imprisoned in Providence Reform School for want of recognizance.
 48. Form of mittimus in such case, and power of trustees of school over accused.
 49. Convicts under eighteen years of age, how, and for how long a term, may be sentenced to Providence Reform School.
 50. Warrant to execute such sentence, substance and effect of.
 51. Persons committed to said school, how to be supported.
 52. Warrant, in case of one sentenced to state prison, substance, mode of service, and effect of.
 53. Prisoners in state prison, disabled to make wills or conveyances.
 54. Such prisoners for life, or term of seven years or more, estates of, may be administered, and by whom.
 55. Power of court of probate to give notice, &c., in such case.
 56. Of administration bond in such case, and disposition of prisoner's estate, what.
 57. Duty and liability of administrator in such case.
 58. Costs of prosecution, &c., when to be paid by state, and payment of no part of sentence.
 59. When to be part of sentence.
 60. Payment of by prisoner, by whom may be remitted.
 61. Power of court to apportion costs among persons sentenced to fine or imprisonment in jail.
 62. Disqualifications of persons sentenced to imprisonment for crime in state prison for year or more.
 63. Punishments to be inflicted upon sentence of court of competent jurisdiction.
 64. Saving of right of seizure upon due process of law.
 65. Persons indicted, entitled to compulsory process for witnesses, when.

Criminals to be tried on indictment except, &c.

SECTION 1. No person, except upon indictment found by a grand jury, shall be put on trial for any offence before the supreme court or court of common pleas, except in case of an appeal from the sentence of a justice court.

Criminals, addition required in indictment, warrant, &c., but amendable.

SEC. 2. In every indictment, and in every warrant or other process to arrest the body of any person in a criminal suit, there shall be added to the name of the person against whom the same shall be issued the place to which he shall, at the time of finding such indictment or issuing such warrant or other process, belong, or the place in which he is, or of late was, commorant; and in case such place shall be omitted in any such indictment, warrant, or other process, the same, upon exception being taken thereto by the person with respect to whom such omission shall be made, shall be quashed or abated: *Provided*, that nothing herein contained shall prevent the amendment of any process in the manner by law prescribed.

Of proceedings against person if name unknown.

SEC. 3. In case the name of the person to be proceeded against be unknown, the indictment, warrant, or other criminal process may be found or issued against him by a fictitious name, or by such description as the prosecutor or complainant may select, and the error or defect may be afterwards amended by the court.

Defects of form amendable, and defects of substance, when.

SEC. 4. No indictment or other criminal process shall be abated or quashed for any want of form: *Provided*, it contain such allegations of the offence that the accused shall be able to plead and make defence thereto, without prejudice to his rights, and to avail himself of any judgment that may be rendered thereon in case of a second complaint against him for the same offence; and every defect and want of substance in any such process may be amended and supplied with the consent of the accused.

Averments in indictment for perjury, what may be.

SEC. 5. In every indictment for perjury, or subornation of perjury, or incitement to perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken; averring such court or person to have had competent authority to administer the same, together with the proper averment or averments to falsify the matter wherein the perjury is assigned; without setting forth any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court or person or persons before whom the perjury was committed, or was agreed, or promised, or procured, or incited to be committed.

Averment of ownership of property in indictment, &c., for felony or misdemeanor, what sufficient.

SEC. 6. In every indictment, information, or complaint for any felony or misdemeanor, whenever it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in possession of more than one person, whether such persons be partners in trade, joint tenants, or tenants in common, it shall be sufficient to name one of such persons, and state such property to belong to the person so named, and another or others, as the case may be; and whenever in any indictment, information, or complaint and warrant for any felony or misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, or tenants in common, it shall be sufficient to describe them in the manner aforesaid, and this provision shall be construed to extend to all joint stock companies, or trustees.

Criminals, in what county to be proceeded against.

SEC. 7. Every person who shall be accused of any offence shall be proceeded against in the county in which the offence shall have been committed, and not elsewhere, except in cases in which special provision shall be made to the contrary.

SEC. 8. Every indictment for crime or misdemeanor committed on the waters of Narragansett Bay, not within the county of Providence, may be found and tried in any county, at the discretion of the attorney-general.

Of crimes committed on Narragansett Bay, &c.

SEC. 9. Any court in any county, before which an indictment shall be found against any person for an offence committed or triable within such county, may, if such person shall escape into, reside, or be in any other county, issue a *capias* directed to each and all sheriffs, deputy sheriffs, town sergeants, and constables within this state, requiring them to apprehend such person and bring him before such court, if such court at the time of the service of such *capias* shall still be in session; if not, then to commit him to jail in the county in which such indictment is pending, there to be kept until he shall give recognizance before some person authorized to take recognizances of the same county, with sufficient sureties, in the sum named in such *capias*, if any sum be named therein, and if not, then in such sum as such person shall deem reasonable, if the offence be bailable, to appear before such court in such county, on the second day of the next term after the giving of such recognizance, to answer to such indictment.

Power of court to send *capias* into any county, in case prisoner be in another county, and of proceedings on *capi* is.

SEC. 10. Such recognizance shall be returned by the person taking the same unto the clerk of such court, or the prisoner may give such recognizance while in the custody of the officer before he is committed to jail, and thereupon the officer shall discharge him from his custody.

Recognizance, how taken and returned.

SEC. 11. The officers to whom such *capias* shall be directed are hereby required to obey and execute the same, and in the execution thereof shall be protected from obstruction and assault, as in the service of other process.

Officers protected in execution of such *capias*.

SEC. 12. No person accused of any offence for which he may be sentenced to imprisonment for life shall be tried except by the supreme court.

What offences triable exclusively by supreme court.

SEC. 13. No person accused of treason against this state, murder, robbery, rape, arson, or burglary, shall be bailed except by the supreme court or one of the justices thereof, or by the court of common pleas, when indictment for such offence is found in said court.

What bailable exclusively by court or justice of, or court of common pleas, when, &c.

SEC. 14. Every person who is held on *capias* or other process issuing out of the supreme court or court of common pleas, to answer to the indictment there pending against him, shall be released upon giving recognizance, with sufficient sureties, before a justice of the supreme court, in the sum named in such *capias* or other process, if any have been named therein, and if not, then in such sum as the justice shall deem reasonable, to appear before the court wherein the indictment against him is pending, and to answer the same whenever called upon so to do, and abide the final order of the court thereon, and in the mean time keep the peace and be of good behavior.

Of release of persons held on *capias*, &c., by justice of supreme court.

SEC. 15. No person imprisoned in any state jail upon any criminal process shall be bailed except by a justice of the supreme court, or by some justice of the peace specially appointed for that purpose, by said court or by either justice thereof.

Persons in jail for crime, by whom bailable.

SEC. 16. Every person who shall be imprisoned upon suspicion of having committed either of the crimes in the thirteenth section of this chapter shall be bailed or discharged, if not indicted at the second term of the court to which he is bound to appear after such commitment.

Persons imprisoned for murder, &c., when to be bailed, &c., if not indicted.

SEC. 17. Every person who shall be indicted for either of said

When entitled to be tried or bailed.

crimes, and shall be imprisoned under the indictment, shall be tried or bailed at the term of such court next after that at which he shall plead to such indictment, if he demand a trial, unless it shall appear to the court that some material witness in behalf of the state has either been enticed away, or is prevented from attending court by some unavoidable accident.

Plea to be entered in case of standing mute, &c.

SEC. 18. If any person on being arraigned for any offence shall stand mute, or not answer directly, or shall peremptorily challenge a greater number of the persons summoned as jurors than he is by law entitled to challenge, the plea of not guilty shall be entered on the record, the supernumerary challenges disregarded, and the trial proceed as if the prisoner had pleaded not guilty, and as if he had not made such challenges.

Peremptory challenges limited.

SEC. 19. No peremptory challenges to jurors shall be allowed to any person indicted and tried for either of the crimes mentioned in the thirteenth section of this chapter, or for any crime or offence other than such as are allowed by law in all cases civil or criminal.

Power of courts to recognize witnesses.

SEC. 20. The supreme court or court of common pleas may, in their discretion, require any witness before them in any criminal matter to recognize with or without surety, for his appearance to testify at any future time in the same cause.

Witness refusing to give recognizance to be committed.

SEC. 21. Every witness who shall refuse to comply with the order of either of such courts requiring him to give recognizance, whether with or without surety, shall be committed to the jail in the same county, there to remain until he give such recognizance or be discharged pursuant to law.

Power of court to commit, &c., witness, &c., perjured before it.

SEC. 22. Whenever it shall appear to any court of record that any witness or party who has been legally sworn, or affirmed, and examined, or has made an affidavit in any proceeding before such court, has testified in such a manner as to induce a reasonable presumption that he has been guilty of perjury therein, the court may immediately commit such witness, or party, by an order or process for that purpose; or may take a recognizance with surety, for his appearance to answer an indictment for perjury.

Power of, in such case, to detain books and papers.

SEC. 23. If in any proceeding in which perjury may be reasonably presumed as aforesaid, any papers, books, or documents shall have been produced which shall be deemed necessary to be used on any prosecution for perjury, such court may, by order, detain the same from the person producing the same, so long as may be necessary, in order to their being used in such prosecution.

Power of jury to convict of a lower offence of same nature with that charged, when.

SEC. 24. Whenever an indictment shall be found against any person for any offence, and the petit jury shall not be satisfied that he is guilty of the whole offence, but shall be satisfied that he is guilty of so much thereof as shall substantially amount to an offence of a lower nature, the jury may find him guilty of such lower offence; and the court shall proceed to sentence such convict for the offence of which he shall be so found guilty, notwithstanding that such court had not otherwise jurisdiction of such offence.

Defaulted recognizances, how to be proceeded with.

SEC. 25. Whenever any person under recognizance shall fail to perform the condition of his recognizance, his default shall be recorded, and process shall be issued against the persons bound in such recognizance, or such of them as the attorney-general shall direct.

Power of surety to surrender principal.

SEC. 26. Every person who shall be surety in any recognizance to keep the peace, or for the appearance of any person accused, or of any witness, or in any recognizance which shall be given on claiming an appeal, shall have the same power and authority over his principal as though he were bail for him in any civil cause.

SEC. 27. Such surety may at any time surrender his principal to the court or magistrate who took such recognizance, or may commit him to the jail in the same county, leaving with the jailer a certified copy of such recognizance; and, upon such surrender or commitment, shall be discharged and exempt from all liability for any act of the principal subsequent thereto, which would have been a breach of the condition of the recognizance.

Such power, how to be exercised in discharge.

SEC. 28. The person so surrendered or committed may be recognized anew with sufficient surety, and be in all respects dealt with in the like manner and with the same effect as though he had never given any recognizance in the case: *Provided*, that in case any recognizance shall have been certified to some other court, the surrender shall be made to such court when in session.

Principal surrendered, recognizable anew, and how.

SEC. 29. All property, money, or estate taken or detained as evidence, in any criminal cause, shall be subject to the order of the court before which the complaint or indictment shall be brought or pending, and shall, at the termination thereof, be restored to the rightful owner.

Property, &c., detained as evidence, how to be disposed of after trial.

SEC. 30. If any defendant, charged with the commission of any crime or offence, after arrest upon complaint, or after indictment found, shall have escaped, the court before which any such complaint or indictment shall be pending may, after the lapse of a reasonable time, return and restore any property or estate held as aforesaid, to the owner thereof.

How, if prisoner escapes.

SEC. 31. Deodands, the plea of the benefit of clergy, and the distinction between petit treason and murder, are abolished. Petit treason shall be prosecuted and punished as murder.

Deodands, benefit of clergy, &c., abolished.

SEC. 32. No person shall be convicted of any offence, except treason against the state, murder, arson, burglary, counterfeiting, forgery, robbery, larceny, rape, or polygamy, unless indictment be found against him therefor, within three years from the time of committing the same.

Limitation in case of crimes, and exceptions to.

SEC. 33. If any indictment found within the time limited in and by this chapter shall be stolen, lost, or destroyed before a judgment shall have been rendered thereon, a new indictment may be found for the same offence at any time within one year after the theft, loss, or destruction of the original indictment.

Indictment stolen, lost, or destroyed, new one may be found, when.

SEC. 34. No conviction or sentence for any offence whatever shall work corruption of blood or forfeiture of estate.

Forfeiture, &c., for crime, prohibited.

SEC. 35. Every person convicted of murder or arson shall thereupon, with respect to all rights of property, to the bond of matrimony, and to all civil rights and relations, of whatever nature, be deemed to be dead in all respects, as if his or her natural death had taken place at the time of such conviction.

Convicts, for what crimes civilly dead.

SEC. 36. Unless otherwise provided, every person sentenced to imprisonment for a term of one year or more shall be imprisoned in the state prison, and there kept at hard labor, and every person sentenced for a less term than one year shall be imprisoned in the county jail in the county where he shall have been convicted, or in the state workhouse and house of correction, unless sentenced by the supreme court or court of common pleas to be imprisoned in the jail in some other county.

Convicts, when to be sent to state prison and kept at hard labor, and when to county jail.

SEC. 37. Every person convicted of any of the offences mentioned in section twenty-four of chapter two hundred and thirty-two, of offences against chastity, morality, and decency, shall be sentenced by the justice court, or court of common pleas, to the state workhouse and house of correction.

When to be committed to the state workhouse, &c.

When to be imprisoned in Providence county jail, and kept at labor therein, &c.

SEC. 38. All persons liable to be imprisoned on account of their conviction, in any county, of any criminal offence, not punishable by imprisonment in the state prison, the punishment for which shall be a fine of not less than five dollars, or a term of imprisonment of not less than thirty days, or of any offence punishable by fine and imprisonment both, shall be imprisoned in the county jail at Providence, and shall be let or kept at labor therein, or on the prison, or in some building thereon, for the benefit of the state, in such manner, under such contract, and subject to such rules, regulations, and discipline, as the inspectors of the state prison may appoint: *Provided*, that nothing herein contained shall be construed to prohibit the sentencing or commitment of any person to the Providence Reform School, or to the state workhouse, or house of correction.

Of allowance for labor to persons detained &c., in Providence county jail, &c.

SEC. 39. Every person committed to the county jail at Providence for non-payment of fine and costs, or who shall be detained therein, after the expiration of the term for which he was imprisoned, for non-payment of costs, shall be allowed by the state twenty-five cents per day for the first thirty days, and fifty cents per day for every day after said thirty days, that he shall labor, toward the payment of his fine and costs, or costs, as the case may be.

Power of sheriffs, &c., to remove such persons to Providence county jail, reform school, &c.

SEC. 40. The sheriffs of the several counties and their deputies, and the town sergeants and constables of any town in the several counties, upon due warrant therefor from the court before whom any such person shall have been convicted, may lawfully remove and commit such persons to said county jail at Providence; or to said reform school, state workhouse, or house of correction, and they shall be allowed such fees therefor as are now provided by law in other similar cases.

Of detention in other jail until removal.

SEC. 41. Every person under sentence to the county jail at Providence, in any other county, may be detained in the jail in such other county where such sentence shall have been passed, such reasonable time as may be necessary for his removal to the jail at Providence, pursuant to his sentence.

Person under sentence, convicted anew, how may be sentenced.

SEC. 42. Whenever any person shall be convicted of any offence punishable by imprisonment, such person being at the time under sentence of imprisonment on a former conviction, the court passing such subsequent sentence may sentence such person to the term of imprisonment provided by law, to commence at the expiration of the term of imprisonment under the former sentence or sentences.

Power of supreme court over person sentenced, &c.

SEC. 43. The supreme court may cause all prisoners who shall have been sentenced to imprisonment to be brought before them, with the warrants of commitment, and to order all or any of them to be carried to and confined in any other jail, on their sentences.

Power of courts to imprison convicts in any county.

SEC. 44. The supreme court and the court of common pleas may sentence any person who shall be convicted before them of an offence punishable by imprisonment in any jail, to be imprisoned in the jail in any county.

Saving of persons imprisoned in Providence county jail for certain offences.

SEC. 45. Nothing in the next two preceding sections shall apply to persons imprisoned in the county jail at Providence for offences, the punishment for which shall be a fine of not less than five dollars, or a term of imprisonment of not less than thirty days, or for any offence punishable by fine and imprisonment both.

Power of court to fix punishment within limits of the law.

SEC. 46. Whenever it is provided that any offence shall be punished by fine or imprisonment, it shall be in the discretion of the court imposing such punishment to select the kind of punishment to be imposed, and if such punishment be fine or imprisonment, the

amount or term of the same; the said amount or term being within the limits prescribed by law.

SEC. 47. Whenever any accused person under the age of eighteen years shall be required by any court in the county of Providence to enter into recognizance for his appearance before any court, as probably guilty of an offence beyond the jurisdiction of such court to try and determine, and such person shall not give the same, he may, at the discretion of the court, be committed to the Providence Reform School, there to remain until the required recognizance be given, or he be otherwise discharged by order of law.

Persons accused, under eighteen years of age, when may be imprisoned in Providence Reform School, &c.

SEC. 48. The warrant or mittimus for the commitment of any such accused person to such reform school shall be, as nearly as the object of such commitment will admit, in the form prescribed in section fifty of this chapter for the commitment of convicts; and the trustees and keeper of said reform school shall have the same authority over any such accused person so committed to their custody, which they have by law over convicts in such reform school, except that they shall not have authority to bind out or discharge such accused persons.

Form of mittimus in such case, and power of trustees of school over accused.

SEC. 49. Whenever any child under the age of eighteen years shall be convicted by any court of any criminal offence, such court may sentence such child to the Providence Reform School for a term not less than two years, nor longer than the minority of such child, or to such punishment as is otherwise provided by law for the same offence; and if the sentence be to the reform school, then it shall be in the alternative, to the Providence Reform School, or to such punishment as would otherwise have been awarded.

Convicts under eighteen years of age, how, and for how long, may be sentenced to Providence Reform School.

SEC. 50. Whenever any person shall be sentenced to imprisonment in the Providence Reform School, the court or the trial justice passing such sentence shall forthwith issue a warrant under the seal of such court, directed to the sheriff or his deputy of the county, or to any town sergeant, or constable of any county wherein such court is held, reciting the sentence, and requiring such sheriff or deputy, town sergeant or constable, to take such convict and him deliver to the trustees of said reform school, or to the keeper thereof; and such warrant shall constitute the officer charged therewith, while he has the same in his possession for service, an officer in any county in this state into which it may be necessary for him to go, to all intents and purposes whatever.

Warrant to execute such sentence, substance and effect of.

SEC. 51. The general treasurer shall pay to the city of Providence the actual cost of supporting all children committed for want of recognizance, or convicted before any court not sitting within the limits of the city, and sent under such commitment or sentence to said school, not computing, in such cost, any salary or wages of any superintendent, keeper, or instructor employed therein.

Persons committed to said school, how to be supported.

SEC. 52. Whenever any person shall be sentenced to imprisonment in the state prison, the clerk of the court passing such sentence shall forthwith issue a warrant under the seal of such court, directed to the sheriff or his deputy of the county wherein such court is held, reciting the sentence, and requiring such sheriff or deputy to take such convict and him deliver to the warden of the state prison; and the said warden to receive such convict into his custody, and him safely keep in such prison during the term specified in such sentence; and such warrant shall constitute the officer charged therewith, while he has the same in his possession for service, an officer in any county in this state into which it may be necessary for him to go, to all intents and purposes whatever.

Warrant, in case of one sentenced to, state prison substance, mode of service, and effect of.

Convict in, cannot make will, &c.

SEC. 53. No person who shall be sentenced to imprisonment in the state prison shall have any power, during his imprisonment, to make any will, or any conveyance of his property, or of any part thereof.

Of administering on estate of convict sentenced for seven years, or more.

SEC. 54. Whenever any person shall be imprisoned in the state prison for life, or for a term of seven years or more, any creditor of such person may apply to the court of probate of the town in which such prisoner last lived and was domiciled, in this state, or in which he shall have any estate, that letters of administration may be granted on such estate to the next of kin to such prisoner, or to any disinterested person, during such imprisonment.

Same subject.

SEC. 55. Such court may, after giving notice to all persons interested, grant such petition, and do all other things required and authorized to be done in the settlement of a deceased person's estate.

Of administration bond, and disposition of prisoner's estate.

SEC. 56. The bond given in such case by the administrator shall secure to such prisoner, after he shall be discharged from the state prison, whatever shall remain of his estate, after payment of the debts of such prisoner, the expenses of settling his estate, and of such sums as the said court of probate may, from time to time, direct or allow for the support of his family; but in case of imprisonment for life, such prisoner's estate shall be divided among his heirs at law, and distributed in the same way as though he were dead.

Duties and liabilities of administrator.

SEC. 57. Every administrator who shall be appointed in pursuance of the provisions of this chapter shall have the same powers, be subject to the same liabilities, and discharge the same duties, as an administrator of the estate of a deceased person.

Costs, when no part of sentence.

SEC. 58. The costs of prosecution, conviction, and commitment of persons imprisoned in the state prison shall be paid by the state, and the payment thereof shall form no part of the sentence of such convicts.

When part of sentence.

SEC. 59. The payment of such costs shall, in all other cases, be a part of the sentence of a convict, who shall be sentenced to be imprisoned until such costs are paid or remitted.

Payment of, by whom may be remitted.

SEC. 60. The payment of costs in criminal cases may, upon application, be remitted by either justice of the supreme court, or by any trial justice in the county in which such convict shall be imprisoned, acting jointly with a justice of the peace in such county to be appointed by the supreme court for such purpose.

Power of court to apportion costs, &c.

SEC. 61. Whenever more than one defendant in the same process shall be convicted, and shall be sentenced to fine or imprisonment in jail, the court pronouncing sentence shall have power to apportion the costs of prosecution between and among the same, as may in their discretion appear to be just and proper.

Civil disqualifications of state prison convicts.

SEC. 62. Every person who shall be sentenced to imprisonment for life, or to the state prison for the term of one year or more, for any one offence, shall forever thereafter be incapable of being elected to any office of honor, trust, or profit in this state, and of acting as an elector therein, unless such person be pardoned, or such sentence be reversed.

Sentence of court requisite for punishment.

SEC. 63. The various punishments prescribed for offences shall be inflicted upon the offender, upon the sentence of a court of competent jurisdiction.

Saving of right of seizure upon due process of law.

SEC. 64. The authority given to any one to arrest any person, or seize anything while such person is actually engaged, or such thing is actually used or employed in the commission of any offence, shall not be construed to prevent, if not so arrested or seized, the arrest of

such person or the seizure of such thing, after the commission of such offence, upon due process of law.

SEC. 65. Compulsory process for obtaining witnesses in favor of any person indicted, shall issue out of any court before which such person shall be brought for trial, upon affidavit that he is unable to procure witnesses at his own expense.

Persons indicted, entitled to compulsory process for witnesses, when.

CHAPTER 237.

OF FUGITIVES FROM JUSTICE, AND PROTECTION OF OFFICERS OF ADJOINING STATES.

SECTION

1. Warrant of court to arrest fugitive, when and upon what complaint to be issued.
2. Of examination of, and proceedings in case of probable guilt.
3. Not giving recognizance, to be committed.
4. Proceedings in case recognizance defaulted.
5. Fugitive, by whom to be bailed.
6. When entitled to discharge, unless demanded, and liability of,

SECTION

- to be taken on executive warrant.
7. Recognizance for costs to be given to obtain warrant of court for arrest of fugitive, and such warrant, neither superseding nor superseded by other process.
8. Officers of adjoining states secured in transit through this state with prisoners, &c.
9. Punishment for obstructing them, &c.

SECTION 1. Whenever any person shall be found within this state charged with an offence committed in any other state or territory, and be liable by the constitution and laws of the United States to be delivered over upon the demand of any executive of any other state or territory, any court authorized to issue warrants in criminal cases may, upon complaint under oath, setting forth the crime or offence and such other matters as are necessary to bring the case within the provisions of law, issue his warrant to bring the person so charged before the same, or some other court within the state, to answer such complaint as in other cases.

Warrant of court to arrest fugitive, when, and upon what complaint to be issued.

SEC. 2. If upon the examination of any person so charged, it shall appear that there is reasonable cause to believe the complaint true, and that such person may be lawfully demanded of the executive of this state, he shall, if charged with an offence bailable by such magistrate, when committed within this state, be required to recognize in a reasonable sum with sufficient sureties to appear before such court at some future day, allowing a reasonable time to obtain a warrant from the said executive, and to abide the order of such magistrate on such complaint.

Of examination of, and proceedings in case of probable guilt.

SEC. 3. If such person shall not so recognize, he shall be committed to jail, and be there detained until he give such recognizance, or until such day.

To recognize or be committed.

SEC. 4. If he shall recognize and shall fail to appear according to the conditions of his recognizance, he shall be defaulted, and like proceedings shall be had as in case of other recognizances entered into before a magistrate.

Proceedings if recognizance defaulted.

SEC. 5. If such person shall be charged with an offence not bail-

Fugitive, by whom to be bailed.

able by such court when committed within this state, he shall be committed to prison, and there detained until the day appointed for his appearance before such court, but in such case the said person shall be bailable in the same manner as he would be if such offence had been committed in this state.

When entitled to be discharged, unless demanded; liability of, to be taken on executive warrant.

SEC. 6. If the person so recognized or committed shall appear before such court upon the day appointed, he shall be discharged, unless he shall be demanded by some person authorized by a warrant of the executive to receive him: *Provided*, that whether such person so charged be recognized, committed, or discharged, any person authorized by a warrant from the executive of this state may at all times take him in custody, and the same shall be a discharge of the recognizance, if any, and shall not be deemed an escape.

Recognizance to be given to procure warrant;

SEC. 7. No warrant shall be issued in pursuance of the provisions of the first section of this chapter until the complainant shall have given recognizance with surety, in such sum as the court shall approve and direct, to pay all the costs that may accrue thereon, including the board of the person complained of, if committed to jail; nor shall any such warrant supersede any arrest, either on civil or criminal process theretofore made, nor shall any arrest, either on civil or criminal process theretofore made, supersede any arrest made on any such warrant, or on any warrant issued by the executive of this state in such cases.

such warrant not superseding or superseded by other process.

Officers of adjoining states secured in transit through this state with prisoners, &c.

SEC. 8. Sheriffs, deputy sheriffs, constables, and other officers of the adjoining states, with their assistants, in the legal execution of any writ, warrant, or other process issuing from and returnable to courts in their respective states, shall have full liberty, power, and authority to pass and repass, and also to convey such persons or things as they may legally have in their custody by virtue of any writ or warrant, in or by any of the roads or ways lying in or leading through any of the towns or lands of this state, in as full, free, and ample manner as the officers of justice of this state do use and exercise in the discharge of their duty and office.

Punishment for obstructing such officers.

SEC. 9. Every person who shall obstruct any such officer of any of the United States in such execution of his office, while he is passing through any of the lands or roads of this state, shall be subject to the same pains and penalties as persons would by law be subject to for obstructing similar officers of justice of this state in the due execution of their office.

CHAPTER 238.

OF CORONERS AND THEIR INQUESTS.

SECTION

1. Coroners, how elected.
2. Coroners, to have exclusive jurisdiction as such, within their respective towns and cities.
3. Coroner, when to make inquest, and how.
4. Penalty upon officer and jurors for

SECTION

- neglecting to execute and obey coroner's warrant.
5. Power of coroners to take up additional jurors.
6. Oath of jurors, where given, and form of.

SECTION

- 7. Of coroner's charge to jurors as to nature of inquiry.
- 8. Of proclamation for summons of, and swearing witnesses by coroner, and form of oath.
- 9. Testimony of witnesses, how taken and subscribed, and witnesses when to be recognized.

SECTION

- 10. Of verdict of jurors in, how taken, sealed, and returned.
- 11. Coroner's duty to complain, in case death caused by crime of another.
- 12. Form of inquisition.
- 13. Power of coroners to have bodies disinterred, for *post mortem* examination.

SECTION 1. The town councils of the several towns, and the city councils of the several cities, shall respectively elect as many coroners for their respective towns and cities as they shall deem proper. If no election is made as aforesaid as is herein provided, justices of the peace shall be coroners throughout the towns in which they dwell.

Coroners, how elected.

SEC. 2. The coroners so elected shall have exclusive jurisdiction as coroners within their respective towns and cities.

Jurisdiction of.

SEC. 3. Every coroner, as soon as he shall be informed that the body of any person, supposed to have come to his death by violence or casualty, has been found within his town, may, and in case that any prisoner in the state prison, or in any one of the state jails, has deceased while so imprisoned, shall issue his warrant to the sheriff or to either of his deputies, or to either of the town sergeants or constables within the county, requiring him to summon a jury of six good and lawful men of the same town, to inquire into the cause of the death of such person.

When to make inquest, and how.

SEC. 4. Every officer failing to execute such warrant shall forfeit ten dollars; and every person summoned as a juror as aforesaid, who shall fail to appear, or to render to such coroner reasonable excuse therefor, shall forfeit five dollars; which forfeitures shall be sued for and recovered by the town treasurer, for the use of such town, in an action of debt.

Penalty upon officers and jurors, for neglect of coroner's warrant.

SEC. 5. Whenever, from any cause, any of the jurors summoned shall not appear, or appearing shall be excused by the coroner from serving on such jury, the coroner may issue another warrant to supply the deficiency.

Of procuring additional jurors.

SEC. 6. The coroner shall swear six jurors, and shall give the foreman by him appointed his oath upon view of the body, in form following: "You solemnly swear, that you will diligently inquire and true presentment make, in behalf of this state, how and in what manner who lies here dead, came to his or her death; and you shall deliver to me, one of the coroners of the town of _____ in the county of _____ a true inquest thereof, according to such evidence as shall be laid before you: so help you God." He shall then swear the other jurors in form following: "The same oath which your foreman has taken, you and each of you will well and truly observe and keep: so help you God."

Oath of jurors, where given, and form of.

SEC. 7. The jurors being sworn, in view of the body, the coroner shall give them a charge, upon their oaths to declare of the death of the person, whether he died of felony, of misfortune, or of accident; and, if of felony, by whose, and who were principals and who were accessories thereto, and of all material circumstances connected therewith; and if he died by mischance or accident, whether by the act of any person, or by hurt, fall, stroke, drowning, or otherwise; to inquire of the persons who were present, the finders of the body, his

Of coroner's charge to jury as to nature of inquiry.

relations and neighbors, whether he was killed in the same place he was found, and, if elsewhere, by whom, and in what manner he was brought from thence, and of all the circumstances relating to such death.

Of proclamation for summons of, and swearing witnesses by coroner, and form of oath.

SEC. 8. The jury being charged, shall stand together, and the coroner shall cause proclamation to be made for all persons who can give evidence how and in what manner the person, then and there lying dead, came to his death, to draw near and they shall be heard; and every coroner is further empowered to summon, and, if necessary, to grant compulsory process for the appearance of witnesses, and to administer an oath to them in form following: You solemnly swear (or affirm) that the evidence which you shall give to this inquest concerning the death of here lying dead, shall be the truth, the whole truth, and nothing but truth: so help you God; (or, this affirmation you make and give on peril of the penalty of perjury.)

Testimony of witnesses, how taken and subscribed; witnesses, when to be recognized.

SEC. 9. The testimony of each witness shall be drawn up in writing and subscribed by him, and if any witness charge any person with killing, or of being in any way instrumental in the death of a person so found dead, the coroner shall bind such witness by recognizance and in a reasonable sum, for his personal appearance at the next supreme court or court of common pleas, to be holden within and for the same county, then to give evidence accordingly; and if any such witness shall refuse to recognize as aforesaid, the coroner shall and may commit such witness to the jail of the county, there to remain until he shall recognize or be otherwise discharged according to law.

Verdict, how taken, sealed, and returned.

SEC. 10. The jury having viewed the body, heard the evidence, and made all the inquiry within their power, shall draw up and deliver unto the coroner their verdict upon the death under their consideration, in writing, under their hands, and the coroner shall set his hand thereto; and shall return to the next supreme court or court of common pleas holden in the county the inquisition, written evidence, and recognizances, if any, by him taken.

Duty of coroner to complain, if death caused by crime of another.

SEC. 11. Upon an inquisition found before any coroner, of the death of any person by felony or misfortune, he shall immediately make a complaint thereof, in writing and on oath, to some justice of the peace in the same county, to the intent that the person killing, or being in any way instrumental to the death, may be apprehended, examined, and secured for trial.

Form of inquisition.

SEC. 12. The following shall be the form of the inquisition to be taken as aforesaid:—

State of Rhode Island and Providence Plantations.

sc. An inquisition taken at in the county of
 on day of in the year of our Lord
 before one of the coroners of the town of
 in said county upon view of the body of
 there lying dead, by the oaths of six good and lawful men; who,
 being sworn and charged to inquire, for the said state, when, how,
 and by what means, the said came to his death, upon
 their oaths do say: (then insert how, where, when, and by what
 means, he was killed, and if it appears that he was murdered by a
 person known, then the inquisition shall be concluded thus:) "And
 so the jurors aforesaid, upon their oaths aforesaid, do say, that the
 said in manner and form aforesaid, of his malice afore-
 thought, the said did kill and murder, against the
 peace and dignity of this state." If it appear that he committed suicide,

then the inquisition shall conclude thus: "And so the jurors aforesaid, upon their oaths aforesaid, do say that the said in manner and form aforesaid, then and there voluntarily killed himself."

If it appears that the death was by misfortune, the inquisition shall conclude thus: "And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said in manner aforesaid, came to his death by misfortune." If the death was occasioned innocently, by the hands of any other person, the inquisition shall conclude thus: "And so the jurors aforesaid, upon their oaths aforesaid, do say, that the said by misfortune, and contrary to the will of the said in manner and form aforesaid, the said did kill and slay." In witness whereof, the said jurors have hereunto set their hands, the day and year aforesaid.

In witness of all the before written, the said coroner hath hereunto set his hand the day and year aforesaid.

SEC. 13. Coroners may, upon petition to them under oath, setting forth that the death of any person has been caused by unlawful means, in their discretion, cause the body of such person to be disinterred for the purpose of *post mortem* examination.

Of disinterment of bodies, for *post mortem* examination.

TITLE XXXII.

OF FINES, PENALTIES, FORFEITURES, AND OF IMPRISONMENT.

- CHAPTER 239. Of fines, penalties, and forfeitures.
- CHAPTER 240. Of jails, and of the care and discipline of jails.
- CHAPTER 241. Of the reform school in the city of Providence.
- CHAPTER 242. Of the state prison, its officers and discipline.
- CHAPTER 243. Of state charities and corrections.
- CHAPTER 244. Of board of female visitors to institutions where women are imprisoned.

CHAPTER 239.

OF FINES, PENALTIES, AND FORFEITURES.

SECTION

1. Fines, penalties, and forfeitures, by what process recovered.
2. Process for, in what county brought.
3. To whose use recovered.
4. In what courts prosecuted.
5. Allegation of time of, in case of penalty for neglect.
6. Judge of town entitled to, may sit upon.

SECTION

7. Pleading to action for penalty.
8. Limitation of suits, &c., upon penal statutes.
9. Penalties, &c., forfeited to towns, how, in what name sued, &c., and power of town council over.
10. Sentence or judgment under penal statute, how enforced.
11. Fines, penalties, &c., due state, to whom payable.

SECTION

12. Of costs of prosecution for.
13. Complainant's costs included in forfeited recognizance recovered, how to be audited and paid.
14. Personal property forfeited, how may be seized.
15. Of complaint or information for forfeiture of.
16. Of issue of warrant in case of.
17. Of notice of complaint or information for.

SECTION

18. Forfeited property, when and how may be sold.
19. When may be delivered to claimant on appraisal.
20. Case for forfeiture of, how tried.
21. Appeal from judgment, &c., of forfeiture.
22. Finality of judgment of common pleas upon.
23. Of costs in case of reasonable cause of seizure.

Fines, penalties, and forfeitures, by what process recovered.

Process for, in what county brought.

To whose use recovered.

In what courts prosecuted.

Of allegation of time, in action for neglect.

Judge of town entitled to, may sit upon.

Pleading to action for penalty.

Limitation of suits, &c., upon penal statutes.

Penalties, &c., forfeited to towns, how sued, and how remitted.

Sentence or judgment under penal stat-

SECTION 1. Unless otherwise specially provided, all fines of twenty dollars and under shall be recovered by complaint and warrant; all fines of upwards of twenty dollars, by indictment; all penalties and pecuniary forfeitures, by action of debt; and all forfeitures of personal property, by complaint and warrant, or by information.

SEC. 2. All complaints and warrants, indictments, actions, and informations, founded on any penal statute, shall be brought within the county in which the offence was committed, and not elsewhere.

SEC. 3. Unless otherwise specially provided, all fines recovered shall be to the use of the state; and all penalties and pecuniary forfeitures, one half to the use of the state, and the other half to the use of him who shall sue for the same; all forfeitures of personal property shall be disposed of as by law shall be provided.

SEC. 4. All fines, penalties, and forfeitures, whether of money or property, of twenty dollars and under, or of the value of twenty dollars and under, shall be prosecuted before a justice court; if upwards of twenty dollars in amount or value, before the court of common pleas, unless otherwise specially provided.

SEC. 5. Whenever any penalty shall be imposed for neglect during any period of time, such neglect may be alleged to have commenced at any specified time, and shall be reckoned from the time so specified.

SEC. 6. In actions for the recovery of any penalty or forfeiture before any court, it shall be no cause of exception that any member of the court resides, or has property in the town in which the offence was committed, or that the penalty, or any part thereof, is recoverable to the use of the town.

SEC. 7. The defendant to an action for a penalty may plead the general issue, and under it give any special matter in evidence.

SEC. 8. All suits or prosecutions founded upon any penal statute, which are wholly or in part for the use of the prosecutor, shall be brought within one year, and all other suits and prosecutions on such statute, within two years after the commission of the offence, unless otherwise specially provided.

SEC. 9. Whenever any penalty or forfeiture, or any part thereof, shall be given to any town by any penal statute, the town council may sue therefor in the name of the town, or the proper prosecuting officer in the name of any city which shall be entitled to the benefit thereof, and the town council may remit the whole of such penalty or forfeiture.

SEC. 10. If any person against whom sentence shall be passed or judgment shall be rendered, under any penal statute, shall refuse or neglect to perform such sentence or to pay such judgment, he shall,

by order of the court passing such sentence, or by the officer charged with the execution issued on such judgment, be committed to the jail of the county in which he shall be tried, and be there imprisoned until such sentence be performed, or he is discharged by due course of law.

ute, how enforced.

SEC. 11. All fines, and all penalties and forfeitures to the use of the state, shall be paid over to the general treasurer, unless otherwise specially provided.

Fines, &c., due state, to whom payable.

SEC. 12. If, upon any complaint or prosecution before any court, the defendant shall be ordered to pay a fine, enter into a recognizance, or suffer any penalty or forfeiture, he shall also be ordered to pay all costs of prosecution, unless otherwise by law directed.

Of costs of prosecution for.

SEC. 13. If any recognizance shall be forfeited in any case in which, if the recognizor had been convicted, any sum might have been due to the complainant, or any person or corporation, the court in which the amount of such recognizance shall, in whole or part, be recovered, shall ascertain the just sum and costs, if any, which shall be due therefrom to such complainant, person, or corporation, and grant a certificate therefor, which, upon being audited by the state auditor, shall be paid, upon his warrant for the amount thereof upon the general treasurer.

Complainant's costs included in forfeited recognizance recovered, how to be audited and paid.

SEC. 14. Whenever any personal property shall be forfeited for any violation of law, any sheriff, deputy sheriff, town sergeant, or constable within his precinct, or any person by law authorized to seize the same, may take and retain such property until he shall deliver it to a proper officer having a warrant to take and detain the same.

Personal property forfeited, how may be seized.

SEC. 15. The person making or directing such seizure shall, without unnecessary delay, make complaint on oath and in writing to any trial justice or clerk of a justice court, within the county in which the offence for which such forfeiture has accrued was committed, if the value of the property seized do not exceed the sum of twenty dollars, and otherwise shall file in the office of the clerk of the court of common pleas of such county an information under oath, stating the cause and asking for judgment of forfeiture.

Of complaint or information for forfeiture of.

SEC. 16. Upon making such complaint, or filing such information for a forfeiture, a warrant shall be issued to the proper officer, requiring him to take such property into his custody, and to detain the same until legally disposed of.

Of issue of warrant in case of.

SEC. 17. Notice of such complaint, or information shall be issued by the court to the owner, if known; otherwise notice shall be published in some newspaper printed in the vicinity, for a period of at least two weeks, that all persons interested may appear either in person or by attorney, at the time and place appointed in the notice for trial, and show cause, if any they have, why judgment of forfeiture should not be passed.

Of notice of complaint or information for.

SEC. 18. If any person shall appear and claim such property, the same may be sold by consent of parties, provided the same be of such nature that it may be lawfully sold and used, and the law doth not require the same to be destroyed, or otherwise in some special manner disposed of; or, under like proviso, it may in any case be sold, if of a perishable, wasting, or expensive character to keep, in like manner as is provided for the sale of similar property when attached on civil process; in which case the proceeds of sale, after deducting the charges thereof, shall for all purposes represent the thing sold, and be subject to the judgment and order of the court.

Forfeited property, when and how may be sold.

When may be delivered to claimant on appraisal.

SEC. 19. Unless by law the property seized be necessarily subject upon judgment of forfeiture to be destroyed, it shall, at the request of the claimant, be appraised by appraisers appointed for that purpose by the court, and be delivered to the claimant upon his giving bond in double the amount of such appraised value, with sufficient sureties, running to the person or corporation to whom the property would be forfeited, or to the state, if the state be entitled in whole or part to such property upon forfeiture, to pay to them the appraised value thereof, and costs in case final judgment of forfeiture be entered up.

Case for forfeiture of, how tried.

SEC. 20. The case may be tried by a jury, if in the court of common pleas, upon the request of either party, otherwise by the court; and the cause of forfeiture alleged being proved, the court who shall try the same shall enter up judgment for the forfeiture and disposition of such property according to law.

Appeal from judgment, &c., of forfeiture.

SEC. 21. An appeal may be claimed by either party from any judgment or forfeiture rendered by a justice court, to be taken in like manner as by defendants in criminal cases within the jurisdiction of a justice court to try and determine, to the court of common pleas of the same county, and like proceedings may be had therein as in cases of informations for forfeitures originally filed in said court.

Finality of judgment of common pleas upon.

SEC. 22. The judgment of the court of common pleas shall be final in all cases of such forfeitures, whether originally commenced in said court or brought there by appeal, unless a new trial be ordered, for cause shown, by the supreme court.

Of costs in case of reasonable cause of seizure.

SEC. 23. Costs shall be awarded to the prosecutor, if a reasonable cause of seizure appear, in which shall be included the necessary expenses of the seizure and detention of the property; but in case no reasonable cause of seizure shall appear, costs and damages as well as the restoration of the property, shall be awarded to the claimant.

CHAPTER 240.

OF JAILS, AND OF THE CARE AND DISCIPLINE OF JAILS.

SECTION

1. Jail in county of Providence, what.
- 2 and 3. Jails in other counties, what, and by whom kept.
4. Jail in county of Providence, by whom kept.
5. Jailers, what shall provide for support, &c., of prisoners, and when, and how, and what, to be paid by state.
6. Prisoners under authority of United States, when and upon what terms, to be received in jails.
7. Jail in county of Providence, upon what terms to be used by city of Providence.

SECTION

8. Jail in county of Newport, when and upon what terms to be used by city of Newport.
9. Inspector of jails, who, and power of.
10. To whom, and in what cases to report.
11. Power of court for certain causes to order committal of prisoners to jail in other county, &c.
12. Removal of prisoners in, in what cases, and by what authority, and how, to be made.
13. By what process, and how long to be detained in new place of custody.
14. Of night guard to jails.

SECTION

- 15. Penalty for communicating with or conveying tools, &c., to prisoners in jail.
- 16 and 17. Who to be kept at labor in jail of county of Providence.
- 18. Who may be permitted to labor in, and for what compensation.
- 19, 20, and 21. Prisoners in civil suits,

SECTION

- when to be put to labor in, allowance for, and disposal of proceeds of.
- 22. Right of towns to use the jails in their respective counties, for confinement of prisoners committed under ordinances thereof.

SECTION 1. The jail in the county of Providence shall be the building adjoining the state prison, built for the keeper's house, and such unoccupied portions of the state prison, including all buildings on the prison lot, as the inspectors of the state prison may, from time to time appropriate to that purpose.

Jail in county of Providence, what.

SEC. 2. The jails in the other counties shall be the buildings which have been, or may be, erected or appropriated by the state to that use.

Jails in other counties, what.

SEC. 3. The jail of each county in the state, except the county of Providence, shall be kept either by the sheriff thereof, personally, or by a jailer, to be by him appointed, for whose acts and neglects he shall be accountable, and the sheriff shall have the custody thereof, and of all prisoners therein.

By whom kept.

SEC. 4. The jail in the county of Providence shall be kept by the warden of the state prison, who shall *ex officio* be the keeper of said jail, and shall have the custody thereof, and of all prisoners therein.

Jail in county of Providence, by whom kept.

SEC. 5. Every jailer, or keeper of a jail, shall provide each prisoner in his custody with necessary sustenance, clothing, bedding, fuel, and medical attendance, and, except in the county of Providence, shall be allowed the compensation fixed by law for the support of all prisoners confined on criminal process, or process prosecuted by the state, out of the general treasury, upon presenting his account therefor to the auditor.

Jailers, what to provide for prisoners, and how compensated.

SEC. 6. Prisoners may be committed under the authority of the United States to any jail, and payment shall be made of the expense of supporting such prisoners, and fifty cents per month each for the use of the jail, and also the legal fees of the jailer or keeper; and the sheriff, jailer, or keeper of the jail shall receive such prisoners, and them safely keep in jail until they shall be discharged by due course of the laws of the United States, under the like penalties and liabilities, civil and criminal, as in case of prisoners committed by the authority of this state.

Prisoners under authority of United States, when, and upon what terms, to be received in jails.

SEC. 7. The city of Providence shall have the right to use the jail in the county of Providence for the confinement of city prisoners, and shall pay to the keeper thereof the actual cost of the support of such prisoners, without computing therein any salary or compensation of any keeper, officer, or assistant employed therein.

Of use of jail in county of Providence, by city of Providence.

SEC. 8. The proper authorities of the city of Newport are hereby authorized, so far as may be consistent with the other purposes for which said jail was erected, to make use of the county jail in the county of Newport, as a place for the commitment of vagrants; and said city shall be liable to pay to the keeper of said jail for the time being such sum for the weekly support of each and every person committed to the jail in said county, by virtue of the provisions of this chapter, as shall be allowed and paid by the state from time to

Jail in county of Newport, when, and upon what terms, to be used by city of Newport.

time, for the weekly support of each state prisoner in said jail: *Provided*, that the keeper thereof shall not be liable for damages or costs in any suit which may be brought by any person or persons who may be committed to said jail under the authority hereof.

Inspector of jails, who, and power of.

SEC. 9. The justice of the supreme court holding the court of common pleas, in every county except the county of Providence, shall, at the commencement of each term, inspect the jail of the county, and inquire into the state thereof as respects the security, treatment, and condition of the prisoners; and shall have power to direct the sheriff to take such precautions as he may judge necessary against escape, sickness, or infection.

To whom, and in what cases to report.

SEC. 10. All misconduct or deficiencies with regard to the treatment or condition of the prisoners shall be reported by the said inspectors to the general assembly, at its next session; all danger to the public safety or the safety of the prisoners from the insufficiency of the jail, apprehension of rescue, or the prevalence of disease, shall be reported by the sheriff or said inspectors, to the supreme court, when in session in the county, as well as to the general assembly, and if said court be not in session, to two of the justices thereof.

Power of court for certain causes to order committal of prisoners to jail in other county, &c.

SEC. 11. If, in the opinion of any judge of the supreme court, it shall be expedient, from any of the causes mentioned in the next preceding section, to have persons who would otherwise be committed to the jail in any county committed to the jail of some other county during the continuance of such causes, such judge may direct all persons who would otherwise be committed to such jail to be committed to the jail of any other county, and there to be detained until remanded to the jail where they would otherwise have been committed by order of court, or discharged according to law; and upon notice of such direction, all courts shall conform every process of commitment thereto, and all committing officers shall commit prisoners accordingly.

Removal of prisoners in, in what cases, and by what authority, and how to be made.

SEC. 12. If, in the opinion of the supreme court when in session, or of any two of the justices thereof in vacation, it shall be expedient, from the insufficiency of the jail in any county, or the rebuilding or repairing of the same, the apprehension of rescue, the prevalence of disease, or other cause, to remove any prisoner or prisoners to the jail of any other county, said court or justices, upon application in writing to them by the sheriff or inspectors of the jail, may make an order for such removal and issue a warrant therefor, and have such prisoner or prisoners confined in the jail of some other county, and allow to the officer or officers executing such order and warrant all proper costs and expenses thereof.

By what process, and how long to be detained in new place of custody.

SEC. 13. Any prisoner or prisoners so removed shall be detained in the same manner and by the same process as in the jail from which they were removed, to be certified to the jailer by the removing officer, until remanded back by the order of the court or justices, or discharged according to law.

Of night guard to jails.

SEC. 14. Said court when in session, or any one of the justices thereof in vacation, are authorized to order and cause to be established a nightly guard at any of the jails, whenever they shall deem it necessary for the public safety or the safety of the prisoners, and to continue the same for so long a time as they may deem proper, and to allow the proper expense thereof.

Penalty for communicating with, &c., prisoners.

SEC. 15. If any person shall have any communication, by conversation or otherwise, with, or convey any tools, wine, strong drink, letters, or any other articles to any person confined in jail, from the

outside of such jail, such person shall, upon conviction, be fined for each offence not exceeding one hundred dollars, or be imprisoned not exceeding sixty days.

SEC. 16. All persons imprisoned in the jail in the county of Providence, on account of their conviction of any criminal offence, or on execution issued in any *qui tam* or penal action, or for not giving the recognizance required of them to keep the peace upon complaint for threats, shall be let or kept at labor therein, or on the prison lot, or in some building thereon, for the benefit of the state, in such manner, under such contract, and subject to such rules, regulations, and discipline as the inspectors of the state prison may make or appoint.

Who to be kept at labor in jail of county of Providence.

SEC. 17. If any such person shall be committed for non-payment of fine and costs, or for not giving the recognizance required of him to keep the peace upon complaints for threats, or shall be detained in such jail after the expiration of the term for which he was sentenced to be imprisoned for non-payment of costs, he shall be allowed by the state ten cents per day for the first thirty days, and thirty-three and one third cents per day for every day after said thirty days, that he shall labor, toward the payment of his fine and cost, or costs, as the case may be.

Same subject.

SEC. 18. Every person who shall be committed to such jail to answer for any criminal offence, or on mesne process in any *qui tam* or penal action, or on mesne process or execution in any civil action, may be permitted to labor as aforesaid, in the discretion of said inspectors, for the state: and in such case shall be allowed for his labor the sum of twenty-five cents per day for every day he shall so labor, to be paid to such prisoner by the order of the keeper of said jail upon the general treasurer, certified by at least one of said inspectors.

Who may be permitted to labor in, and for what compensation.

SEC. 19. Every person who shall have been imprisoned in said jail for a period exceeding six months, by virtue of an execution issued in any civil suit, may, at his request, during the remaining time of his detention therein, be let or kept at labor, as convicts are under the sixteenth section of this chapter, for the benefit of his creditor or creditors by virtue of whose executions he is imprisoned.

Prisoner in civil suits, when to be put to labor in.

SEC. 20. Such execution debtor shall be allowed by the state for every day's actual labor by him done, the sum of twenty cents per day, if the state shall receive or be benefited to that amount by his labor; if not, the amount which the state shall receive therefor or be benefited thereby.

Allowance for labor of.

SEC. 21. The keeper of such jail shall keep against every such execution debtor an account, in the name of the state, in which he shall charge him with the cost of board, if any, provided for him by the state, and any other necessities by the state furnished to such debtor, and shall credit him with the price or value of his labor as aforesaid, and the balance, if any, shall, as often as once a month, be paid over by said keeper to the creditor detaining such debtor, or if there be more than one creditor so detaining him, be divided amongst such detaining creditors, in equal proportion to the amount of their debts in liquidation of the same.

Disposal of proceeds of such labor.

SEC. 22. The several towns shall have the right to use the jails located in the counties to which they respectively belong for the confinement of persons committed under the authority of the ordinances of such towns, upon payment to the keepers of such jails the actual costs of the support of such persons during their confinement, without computing in such costs any keeper's salary or compensation for

Right of towns to use the jails in their respective counties, for confinement of prisoners committed under ordinances thereof.

assistants: *Provided*, that the keepers of such jails shall not be liable for damages or costs in any suit which may be brought by any person or persons who may be committed to said jails under the authority of this section.

CHAPTER 241.

OF THE REFORM SCHOOL IN THE CITY OF PROVIDENCE.

SECTION

1. Power of city council of Providence to establish and govern.
- 2 and 3. How to be governed, and trustees how elected and removed.
4. Duty of trustees.
5. Power of to adopt by-laws.
6. To receive criminals under eighteen years of age.
7. To receive such criminals when convicted by United States courts.
8. To admit children, at request of parents or guardians.
9. Children admitted or sentenced to,

SECTION

- under whose directions to be disciplined and dealt with.
10. Children sentenced to, but not received or incorrigible, how to be dealt with.
 11. Commitments to, for what term, and effect of discharge from.
 12. Children in, how to be instructed, &c.
 13. Power of trustees to bind out inmates of.
 14. Trustees of, how often to visit, and how often and to whom to report.

Power of city council of Providence to establish and govern.

SECTION 1. The city council of Providence is authorized to establish and maintain, within the limits of the said city, a school for the confinement, instruction, and reformation of juvenile offenders and of young persons of idle, vicious, or vagrant habits, to be called the Providence Reform School; and may pass such ordinances, not contrary to the laws of this state, or of the United States, for the management thereof, as they may from time to time deem expedient.

Trustees, how to be elected.

SEC. 2. The government of said school shall be vested in a board of seven trustees, one of whom shall always be the mayor for the time being of said city; and the remaining six shall be elected annually by the city council in convention of the two boards.

How removed, and successors, how appointed.

SEC. 3. No trustee shall receive any compensation for his services, and any trustee, except the mayor, may at any time be removed by a concurrent vote of the two boards of the city council. In case of the death, removal, or resignation of any trustee, the city council in convention may forthwith elect a successor in his place.

Duty of trustees.

SEC. 4. The board of trustees shall take charge of the general interests of the institution; shall see that its affairs are conducted in accordance with the requirements of the city council, and of such by-laws as the board may from time to time adopt for the orderly and economical management of its concerns; shall see that strict discipline is maintained therein; shall provide employment for the inmates, and bind them out, discharge or remand them, as is hereinafter provided; shall appoint a superintendent, and such other officers as, in their judgment, the wants of the institution may require, whose salaries shall be fixed and voted by the city council; shall prescribe the duties of the superintendent and other officers, and shall remove such officers at pleasure, and appoint others in their stead.

SEC. 5. The trustees shall also adopt a code of by-laws which, as well as all alterations thereof, shall not be valid unless sanctioned and approved by the city council.

Power of, to adopt by-laws.

SEC. 6. The board of trustees shall have power, in their discretion, to receive into said school all such children, under the age of eighteen years, as shall be convicted before any court sitting within the limits of said city, as vagrants, or disorderly persons, or of criminal offences, or of offences against the ordinances of the city of Providence, and of such children convicted of criminal offences by or before any court in the state.

To receive criminals under eighteen years of age.

SEC. 7. The trustees of the reform school in the city of Providence may receive into said school children under the age of eighteen years, convicted before any court of the United States within this state, of criminal offences, upon like terms and conditions as if convicted of criminal offences before any of the courts of this state.

To receive such criminals when convicted by United States courts.

SEC. 8. The board of trustees may, at their discretion, and for such payment as the city council shall direct, admit into said school any child above the age of five years, at the request of his parents or guardian; and may accept from such parent or guardian a surrender in writing of any such child to the care and direction of the board.

To admit children at request of parents or guardians.

SEC. 9. Any child admitted or sentenced to said school shall there be kept, disciplined, instructed, employed, and governed, under the direction of said board of trustees, until he shall be either reformed and discharged, or shall be bound out, by said trustees, according to their by-laws, or shall be remanded to prison under the sentence of the court as incorrigible, upon information of the trustees, as hereinafter provided.

Children admitted or sentenced to, under whose directions to be disciplined, &c.

SEC. 10. If any child shall, upon any conviction, be sentenced to said school, and the trustees, or any two of them, in the absence of the others, shall deem it inexpedient to receive him; or if he shall be found to be incorrigible, or his continuance in the school shall be deemed prejudicial to the management and discipline thereof; or if the city council shall close said school, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the child, shall be delivered to the sheriff, or his deputy, or to any constable of the city, who shall forthwith commit said child to the jail, house of correction, or state prison, as the case may be, in pursuance of the alternative sentence provided for in chapter two hundred and thirty-six, section forty-nine.

Children sentenced to, but not received or incorrigible, how to be dealt with.

SEC. 11. All commitments to this institution of children, of whatever age when committed, shall be for a term not longer than during their minority, nor less than two years, unless sooner discharged by order of the trustees, as hereinbefore provided; and whenever any child shall be discharged therefrom by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

Commitments to, for what term, and effect of discharge from.

SEC. 12. The trustees shall cause the children under their charge to be instructed in virtue and morality, and in such branches of useful knowledge as shall be adapted to their age and capacity. They shall also be instructed in such regular course of labor as shall be best suited to their age and strength, and shall seem best adapted to secure the reformation and amendment and future benefit of the

Children in, how to be instructed, &c.

children; and, in binding out the inmates, the trustees shall have scrupulous regard to the moral character of those to whom they are to be bound, to the end that they may secure to the children the benefit of a good example and wholesome instruction, the means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral, and useful members of society.

Power of trustees to bind out inmates of.

SEC. 13. The trustees of the reform school of the city of Providence may bind out its inmates as servants or apprentices until the age of twenty-one years, or during the term of their sentence, to any citizen of this state, in like manner and on the same conditions as the overseers of the poor may, by law, bind out the children that come under their charge.

Trustees of, when to visit, and how and when to report.

SEC. 14. One or more of the trustees shall visit the school at least once in every two weeks, and they shall report their doings to the city council at such times and to such extent as the council shall from time to time prescribe.

CHAPTER 242.

OF THE STATE PRISON, ITS OFFICERS AND DISCIPLINE.

<i>Inspectors.</i>	<i>Warden.</i>
<p>SECTION</p> <ol style="list-style-type: none"> 1. Inspectors of, how many, and by whom and for what term, appointed. 2. Chairman and clerk of, how elected. 3. Of meetings, and quorum of. 4. What officers may appoint, and tenure and qualification of such officers. 5. Notice to be given by, upon death, &c., of warden. 6. Power of, over salaries of officers. 7. To employ a religious instructor. 8. To make rules and regulations for prison. 9. Of book of rules, &c., and copy of, to whom to be given. 10. Of duty of inspectors to visit prison. 11. Power of inspectors over convicts in prison or jail. 12. Power of, to advise warden as to purchases, and to contract for labor of prisoners. 13. Duty of, to audit accounts of warden and to countersign his drafts. 14. Power of an inspector to administer oaths. 15. Privileged exemptions of inspectors. 16. Of report of inspectors. 	<p>SECTION</p> <ol style="list-style-type: none"> 17. Of bond to be given by warden. 18. Power of, to appoint assistants. 19. Supplies to be furnished to. 20. Where to reside and to be, of nights. 21. Duties of warden. 22. Duty of warden to receive and keep prisoners committed under authority of the United States. 23. Of his reports to inspectors. 24. Of his power to admit visitors to prison. 25. Penalty upon for receiving gifts, &c., from prisoners. 26. Of journal to be kept by him. 27. Power of to purchase supplies, &c., for prison. 28. Duty of, to keep and present accounts and vouchers to general assembly. 29. Duty of, to report upon prisoners. 30. Sheriff of Providence, <i>ex officio</i> warden, when. 31. Duty of warden to keep record of conduct of convicts, and of deduction from sentence of, by reason of good behavior. <p style="text-align: center;"><i>Physician.</i></p> <ol style="list-style-type: none"> 32. Duty of physician of. 33. Of his salary and medicines.

SECTION

- 34. His examination of convicts, and journal concerning.
- 35. To visit and vaccinate prisoners, when.
- 36. Directions by, how given, and force of.
- 37. Duty to report to general assembly and inspectors.

Religious instructor.

- 38. Religious instruction, when and by whom required to be given.
- 39. Right of prisoners to have and read Bible.
- 40. Intercourse of religious instructor with convicts.

Under-keepers and assistants.

- 41. Duty of under-keepers, &c., to inspect cell, food, &c., of prisoners, and to report upon deficiencies in.
- 42. Of under-keeper's leave of absence,

SECTION

- and penalty upon for receiving gifts, &c., from prisoners.
- 43. Conversation by under-keepers, &c., with convicts.

Convicts.

- 44. Of examination and registry of convicts when first committed.
- 45. Of cleansing them, and care, &c., of their effects and clothes.
- 46. Linen of convicts.
- 47. Allowance of food to.
- 48. Penalty for delivering letter or message to.
- 49. Sick prisoner, not to be discharged against his will.
- 50. Right of discharged convict to his effects, &c., and to a gratuity.

Visitors.

- 51. Visitors to state prison, how allowed, and how to conduct.
- 52. Official visitors of prison.

Inspectors.

SECTION 1. The oversight, management, and control of the state prison shall be vested in a board of seven inspectors, to be appointed annually by the governor.

SEC. 2. The board of inspectors shall elect their own chairman and clerk from the board.

SEC. 3. The board of inspectors shall hold monthly meetings at such times as they shall appoint, at which four members shall constitute a quorum; and may hold special meetings when necessary, all the members having notice thereof.

SEC. 4. They shall appoint, and may remove at pleasure, the warden, physician, and religious instructor, and shall have a negative upon the appointment of the other officers and assistants of the prison, who shall be removable at their pleasure, and shall, before entering upon their duties, be sworn before the board, or by one of the inspectors, to the faithful performance of their duties, and to the observance of the rules of the prison.

SEC. 5. Upon the death, resignation, or removal of the warden, they shall immediately give notice thereof to the sheriff of the county of Providence, and proceed, as early as possible, to the election of another warden.

SEC. 6. They shall fix the salaries or compensation of the warden, physician, and other officers and assistants of said prison: *Provided*, that the salary of the warden, both as warden and keeper of the jail in the county of Providence, shall not exceed the annual sum of eighteen hundred dollars, and the salary of the physician, two hundred dollars.

SEC. 7. They may employ a suitable person to conduct the religious services on Sunday, and to perform such other duties as the board may prescribe: *Provided*, the expense to the state shall not exceed the sum of six hundred dollars per annum.

Appointment, and term of office of inspectors.

Chairman and clerk of, how elected.

Of meetings, and quorum of.

What officers may appoint, and tenure, &c., of such officers.

Notice to be given by, upon death, &c., of warden.

Power of, over salaries of officers.

To employ a religious instructor.

To make rules and regulations for prison.

SEC. 8. They shall make all lawful and necessary rules and regulations for the internal police of the prison; for the mode of employing the convicts imprisoned therein, and the place of such employment, within the limits of the prison yard, or within any of the buildings on the prison lot; and shall determine the uniform to be worn by the prisoners.

Of book of rules, &c.

SEC. 9. Such rules and regulations shall be entered in a book kept for that purpose, and a copy thereof given to the warden and other officers of the prison.

Of duty of inspectors to visit prison.

SEC. 10. One of said board shall, at least twice a month, visit the prison, examine into the condition of the prisoners, hear any complaints that they may make, and see that the rules and regulations of the prison are strictly observed; and they shall keep a particular record of all their meetings and proceedings, and of their weekly visits, and of the complaints made to them by prisoners, whether well or ill founded.

Power of inspectors over convicts in prison or jail.

SEC. 11. They shall have full power and authority over all convicts who now are, or hereafter may be committed to the prison; may enlarge their confinement and regulate their labor and exercise within the limits of the prison yard, or of any building on the prison lot; may confine, in their discretion, females sentenced to imprisonment in the state prison, in the Providence county jail; may permit more than one person to remain in a cell, or a nurse to be with a prisoner in case of sickness; may admit such communication to and from prisoners and their friends, and between prisoners themselves, and such books and other articles to be given to them as they may deem expedient, the same being consistent with the safe keeping of the prisoners.

Power of, to advise warden as to purchases and contracts.

SEC. 12. They may advise with, and, if they deem it necessary, direct the warden as to the purchase of necessary medicines, supplies, and provisions, the purchase of materials for and sale of products of labor for the prison; and shall let out, and enter into all contracts for, the labor of the prisoners.

To audit accounts of, and countersign drafts.

SEC. 13. They shall audit his accounts before they are presented to the general assembly, and shall, at least by a majority of their number, countersign all drafts drawn by him upon the general treasurer.

May administer oaths.

SEC. 14. Each of said board may administer oaths as to all matters connected with the prison.

Privileged exemptions of inspectors.

SEC. 15. They shall serve gratuitously, and during their continuance in office shall be exempted from military duty and from serving on juries; and every inspector who shall hold that office for five years shall be exempted from military duty ever afterwards.

Of report of inspectors.

SEC. 16. They shall make a written report of all their doings to the general assembly, at its adjourned session in Providence, in each year.

Warden.

Of bond of warden.

SEC. 17. The warden of the state prison shall, before entering upon his office, give bond to the state in the sum of ten thousand dollars, with sureties to the satisfaction of the inspectors, for the faithful performance of the duties of his office.

Power of, to appoint assistants.

SEC. 18. He may appoint, subject to the approval of the inspectors, such, and such number of officers and assistants in the prison, as may be necessary and proper.

SEC. 19. In addition to his salary, he shall have a supply of fuel,

- not to exceed in cost one hundred dollars a year, and of gas and oil for himself and family, out of the supplies furnished for the state prison and jail. Supplies to be furnished to.
- SEC. 20. He shall reside at the prison; and shall not absent himself therefrom for a night without the written permission of two of the inspectors. Where to reside and to be, of nights.
- SEC. 21. He shall see that the rules of the prison are strictly obeyed; that the convicts regularly receive their allowance of food and clothes; that they are cleanly in their dress and cells, and actively engaged in the work prescribed them; and he shall enforce obedience to the prison rules by such punishments as are prescribed therein; but neither whipping nor any other corporal punishment shall be inflicted, except under the direction of one of the inspectors. Duties of warden.
- SEC. 22. The warden of the state prison shall receive and safe keep therein all prisoners committed thereto under the authority of any court of the United States held within this state, until such prisoner shall be discharged by the course of law of the United States, under the like penalties and liabilities as in case of prisoners committed by the authority of this state. Duty of warden to receive, &c., prisoners committed by United States.
- SEC. 23. He shall report in writing, once a month, at such time as the inspectors may determine, and oftener if they require, every case of punishment inflicted in the prison, and the mode and degree of the same, together with the cause thereof. Of his reports to inspectors.
- SEC. 24. He may, in his discretion, and without a permit from an inspector, admit visitors to the state prison, under such restrictions and on payment of such fees, to be applied as the board of inspectors may from time to time prescribe. Of his power to admit visitors to prison.
- SEC. 25. He shall not receive from any one confined in the state prison, nor from any one in behalf of any such prisoner, any gift, or reward, or the promise of any, for any services or supplies, or as a gratuity, under the penalty of five hundred dollars. Penalty upon, for receiving gifts, &c., from prisoners.
- SEC. 26. He shall keep a journal, in which he shall regularly enter the reception, discharge, death, pardon, or escape of every convict; all punishments by him inflicted for breach of prison discipline; and the visits of the inspectors and physicians. Of journal to be kept by him.
- SEC. 27. He shall, with the advice, and if they see fit, under the direction of the inspectors, be purveyor of medicines, provisions, and supplies for the state prison and for the jail of the county of Providence, and shall purchase, if any, the materials for labor therein, and sell the products thereof. Power of, to purchase supplies, &c., for prison.
- SEC. 28. He shall keep correct accounts of all receipts and expenditures, and, as far as may be, separate accounts of all expenses incurred for the prison and the jail, taking vouchers for all payments that he may make, specifying the articles furnished and the labor performed for each; and, at the adjourned session to be holden at Providence, shall annually present to the general assembly such account, after the same shall have been examined and certified by the inspectors to be correct. Duty of, to keep and present accounts and vouchers to general assembly.
- SEC. 29. He shall also at the same time present a written report, which shall contain the number of persons in confinement in such prison or jail, the sex, age, place of nativity, time of commitment, crime, and term of imprisonment of each; noting also what convicts have left the prison or jail during the preceding year, and under what circumstances. Duty of, to report upon prisoners.
- SEC. 30. In case of vacancy in the office of warden, by death, resignation, or removal, and until the bond of the new warden is given Sheriff of Providence *ex officio* warden, when.

as by law required, the sheriff of the county of Providence shall be *ex officio* warden of the state prison, and shall be entitled to receive such compensation as belongs to said office.

Duty of warden to keep record of convicts, and of deduction from sentence of, by reason of good behavior.

SEC. 31. The warden of the state prison shall keep a record of the conduct of each convict, and for each month that a convict (except convicts under sentence to imprisonment for life) appears by such record to have faithfully observed all the rules and requirements of the prison, and not to have been subjected to punishment, there shall, with the consent of the governor, upon the recommendation to him of a majority of the board of inspectors, be deducted from the term or terms of sentence of such convict the same number of days that there are years in the said term of his sentence: *Provided*, that when the sentence is for a longer term than five years, only five days shall be deducted for one month's good behavior. And *provided* further, that for every day a convict shall be shut up or otherwise punished for bad conduct, there shall be deducted one day from the time he shall have gained for good conduct.

Physician.

Duty of physician of.

SEC. 32. The physician shall have the medical care of all convicts in the state prison, and of such of the prisoners in the jail of the county of Providence, at the suit of the state, as are in need of medical aid.

Of his salary and medicines.

SEC. 33. His salary shall not exceed the annual sum of two hundred dollars, and no charge shall be allowed to him for medicines; but the same shall be purchased by the warden of the state prison as aforesaid, on account of the state, and be delivered by him to the attending physician, to be used as may be necessary.

His examination of convicts, and journal concerning.

SEC. 34. He shall examine each convict in the state prison on his first visit to him, as to the state of his health, both in body and mind, his habits and mode of life, and make a memorandum thereof in his journal.

To visit and vaccinate prisoners, when.

SEC. 35. He shall visit each convict in the state prison once in every week, and oftener if need be, and shall vaccinate all convicts in the prison and jail not before vaccinated.

Directions by, how given, and force of.

SEC. 36. All directions by him given as to the medicines, diet, clothing, cleanliness, labor, and exercise of the sick shall be in writing, and entered on his journal, and shall be strictly attended to by the warden of the prison, so far as not inconsistent with law or the rules of the prison, or the safe custody of the convicts.

Duty to report to general assembly and inspectors.

SEC. 37. He shall present monthly to the board of inspectors, and annually to the general assembly at their adjourned session at Providence, a written report of his proceedings, and of the state of health of the prison for the month and year preceding.

Religious instructor.

Religious instruction, when and by whom given.

SEC. 38. Public religious exercises shall be held by the religious instructor in the state prison on Sundays, measures being taken to prevent the convicts during the same from holding any communication with any one which is not authorized by the rules of the prison.

Right of prisoners to have and read Bible. Intercourse of religious instructor with convicts.

SEC. 39. Every cell shall be furnished with a Bible, and one hour each day shall be allowed to each convict for the perusal of the same.

SEC. 40. The religious instructor shall be allowed as free intercourse with the convicts, for the purpose of giving them moral and religious instruction, as is consistent with their safe custody.

Under-keepers and assistants.

SEC. 41. One under-keeper or assistant shall every day inspect the cell of each prisoner, shall see that his meals are regularly furnished, that his cell and all its contents are in good order, and shall report in writing to the warden, and to the inspectors when required, all deficiencies in these respects.

Under-keepers, duties of.

SEC. 42. No under-keeper or assistant shall absent himself from the prison without the leave of the warden ; nor shall any one receive from any convict confined in the state prison, nor from any one in his behalf, any reward or gift, or promise of any, either for services or supplies, or as a gratuity, under the penalty of imprisonment for thirty days. He shall also be immediately dismissed, and shall not afterward be employed in the prison.

Under-keeper's leave of absence; penalty for receiving gifts, &c.

SEC. 43. The under-keepers and assistants shall have no conversation with the convicts other than is necessary for understanding and supplying their wants, and enforcing industry and obedience to the rules of the prison.

Conversation by under-keepers, &c., with convicts.

Convicts.

SEC. 44. Every convict shall, immediately on his commitment to the state prison, be examined by the warden and other officers, and his name, height, apparent and alleged age, place of nativity, complexion, color of hair and eyes, length of foot, and trade or occupation, as near as may be, ascertained and entered in a book provided for that purpose, together with such natural and accidental marks as may serve as a means of identifying his person.

Of examination and registry of convicts when first committed.

SEC. 45. All the effects on the person of the convict, as well as his clothes, shall be taken from him, an inventory of which shall be entered under the description of his person, in his presence ; after which he shall be thoroughly cleansed, conducted to the cell assigned him, clothed in the uniform of the prison, informed of the rules of the prison, and set to labor as soon as conveniently may be. The effects and clothes of each convict shall be carefully kept by the warden, and restored to him on his discharge, unless he shall desire to have the same sold by the warden ; if so, he shall receive the proceeds thereof on his discharge.

Of cleansing them, and care, &c., of their effects and clothes.

SEC. 46. A change of linen shall be furnished to each prisoner at least once a week.

Linen of convicts.

SEC. 47. No convict shall receive any thing but the prison allowance, unless by order of the physician.

Allowance of food to.

SEC. 48. No person shall deliver to or receive from any convict any letter or message whatever, not authorized by the rules and regulations adopted by the board of inspectors, or supply any convict with any article of any kind, under the penalty of one hundred dollars.

Penalty for delivering letter or message to.

SEC. 49. No prisoner shall be dismissed from the state prison while laboring under dangerous disease, unless at his own request, although entitled to his discharge.

Sick prisoner not to be discharged against his will.

SEC. 50. When a convict shall be discharged, he shall receive his effects and clothes taken from him at his commitment, or the proceeds thereof ; shall be decently clothed, and shall also be paid five dollars by the warden, to be charged to expenses, whereby he can support himself until he can obtain employment.

Right of discharged convict to his effects, &c., and a gratuity.

Visitors.

SEC. 51. No person not an official visitor shall be allowed to visit the prison without the permission of the warden as aforesaid, or a

Visitors to state prison, how allowed,

and how to
conduct.

written permit from one of the inspectors; nor shall any person other than an official visitor have any conversation or communication with any convict, except as provided for in the general rules established for the prison. This rule may be dispensed with in favor of any person visiting the prison from without the state, for the purposes of general information, by a written permit from two inspectors.

Official visitors
of prison.

SEC. 52. The governor and lieutenant-governor of the state, the speaker of the house of representatives, the secretary of state, the attorney-general, and the justices of the supreme court, shall, *ex officio*, be official visitors of the prison.

CHAPTER 243.

OF STATE CHARITIES AND CORRECTIONS.

SECTION

1. Board of state charities and corrections, how appointed.
2. Of future appointments to, and term of office of members of.
3. Of appointment of secretary, and duties of.
4. Members of board, except secretary, to receive no compensation, but to be paid travelling expenses.
5. Of appointment and tenure of office of superintendent of state charities and corrections.
6. Duties of.
7. Powers of, over certain public institutions, and of appointment

SECTION

- and tenure of office of superintendent of state farm.
8. Power of board to appoint assistants, fix compensation of, and make rules, and regulations, and contracts.
9. Power of to bind out inmates.
10. Power of to discharge inmates.
11. Power of to remove inmates of reform school to state workhouse, and penalty upon persons sentenced to or removed to such workhouse for escaping or attempting to escape therefrom.
12. Duty of board, to report to general assembly.

Of appointment
of board.

SECTION 1. The governor, with the advice and consent of the senate, shall appoint six persons, two from the county of Providence, and one from each of the other counties, who shall constitute the Board of State Charities and Corrections.

Of future ap-
pointment,
and term of
office of mem-
bers.

SEC. 2. He shall, in like manner, appoint one person to such office annually, and every person hereafter so appointed shall hold his office for six years unless sooner removed. The members of the present board shall respectively hold their offices for the term for which they were appointed. Every appointment to fill a vacancy shall be for the remainder of the term.

Of appoint-
ment and du-
ties of secre-
tary.

SEC. 3. Such board may appoint a secretary, who shall, by virtue of his office, be a member thereof; he shall hold his office during the pleasure of such board, and shall perform such duties as may be by them required.

Board receive
no compensa-
tion, except,
&c.

SEC. 4. No member of the board, except the secretary, shall receive any compensation for his services as such, but every member shall be paid out of the state treasury his necessary travelling expenses.

Of superin-
tendent of
state charities.

SEC. 5. The board shall appoint a superintendent of state charities and corrections, who shall hold his office during their pleasure.

SEC. 6. He shall, under their direction, have the general charge and superintendence of their business; shall attend to the examination of paupers and lunatics for the purpose of ascertaining their place of settlement and means of support, or who may be responsible therefor, attend to their removal to their homes or places of settlement, and shall have like power and authority in respect thereto as is conferred upon overseers of the poor.

Duties of.

SEC. 7. Such officer shall, under their direction, have the control and management of the state farm in Cranston, and of the state workhouse, house of correction, state asylum for the incurable insane, and state almshouse thereon. The board shall appoint a superintendent of the state farm who shall hold his office during their pleasure.

Of state farm, and of appointment of superintendent of.

SEC. 8. The board shall appoint such assistants in the management of such farm and such institutions as they shall deem necessary, fix their compensation and that of their secretary and superintendent, adopt all needful rules and regulations for the government of such institution, and make contracts for the labor of the inmates thereof.

Power of board to appoint assistants, fix compensation, &c.

SEC. 9. The board may bind out any of such inmates, in like manner and with like effect as overseers of the poor may bind out children under their charge.

To bind out inmates.

SEC. 10. Such board may at any time discharge any of the inmates of such institution.

To discharge inmates.

SEC. 11. Such board may cause any inmate of the Providence Reform School, who shall be deemed incorrigible or an unfit person to remain therein by the trustees thereof, upon their application, to be removed, with the mittimus committing him thereto, to the state workhouse, there to remain until the expiration of the term of the sentence stated in the mittimus, and every person sentenced to such workhouse, or removed thereto in the manner above provided, who shall escape or attempt to escape therefrom, may be returned thereto, and shall, for such an escape or attempt to escape, be imprisoned in such workhouse not less than six months, nor more than twelve months, in addition to the previous sentence.

To remove inmates of reform school to state workhouse.

Penalty for escaping or attempting to escape from.

SEC. 12. The Board of State Charities and Corrections shall make a full report of their doings annually to the general assembly, on or before the second week of the session in Providence, adjourned from the May session.

Of report of board to general assembly.

CHAPTER 244.

OF BOARD OF FEMALE VISITORS TO INSTITUTIONS WHERE WOMEN ARE IMPRISONED.

SECTION

1. How appointed, and powers of.
2. President and clerk of, how ap-

SECTION

pointed; and duty of board to report to general assembly.

SECTION 1. The governor may appoint annually a board of visitors, to consist of seven women, who shall have power to visit any penal or correctional institution of this state where women are imprisoned.

Of appointment and powers of.

SEC. 2. The board of visitors shall elect their own president and clerk from the board, and make a written report annually of their doings, to the general assembly at the May session.

Of election of officers, and report of board.

TITLE XXXIII.

OF SALARIES AND FEES.

CHAPTER 245. Of salaries.

CHAPTER 246. Of fees and costs in certain cases.

CHAPTER 245.

OF SALARIES.

SECTION

1. Salaries, how payable, and when quarters for commence.
2. Salary of governor, lieutenant-governor, secretary of state, clerk of the secretary of state, general treasurer, state auditor, chief justice of supreme court, associate justices of supreme court, attorney-general, reporter of supreme court, clerk of supreme court for county of Bristol, clerk of court of common pleas for county of Bristol, assistant clerk of supreme court for county of Providence, trial justice of the justice court of Providence, clerk of the justice court of Providence, trial justice of the justice court of North Provi-

SECTION

dence, clerk of the justice court of North Providence, trial justice of the justice court of Newport, clerk of the justice court of Newport, trial justice of the justice court of Woonsocket, clerk of the justice court of Woonsocket, commissioner of public schools, insurance commissioner, commissioner of shell fisheries, assistant commissioner of shell fisheries, sheriff of the county of Newport, physician at state prison, chaplain at state prison, crier of the courts in Providence county, adjutant-general, quartermaster-general, paymaster-general.

Salaries, how payable, and when quarters for commence.

SECTION. 1. All salaries shall be payable quarterly. The several quarters shall commence on the first days of May, August, November, and February respectively. Every person to whom a salary shall be payable, entering upon the duties of his office on any other day than the first day of a quarter, unless such first day be a Sunday or a holiday, shall be paid a salary *pro rata* for the remainder of the quarter.

Salary of

SEC. 2. The annual salary of the following named officers respectively shall be as follows:—

governor,
lieutenant-governor,
secretary of
state,

Governor, one thousand dollars,
Lieutenant-governor, five hundred dollars.

Secretary of state, two thousand dollars; to be in full of all services which shall be required of him by law performed for the state, including his services as secretary of the senate, and in addition thereto such fees as are provided by law.

clerk of the
secretary of
state,

Clerk of the secretary of state, six hundred dollars, which shall include the sum allowed for defraying the expense of indexing the returns of births, marriages, and deaths in the state.

General treasurer, fifteen hundred dollars.	general treasurer,
State auditor, fifteen hundred dollars.	state auditor,
Chief justice of the supreme court, thirty-five hundred dollars.	justices of supreme court,
Associate justice of the supreme court, three thousand dollars.	attorney-general,
Attorney-general, twenty-five hundred dollars ; to be in full compensation for all services which shall be required of him by law.	reporter,
Reporter of the supreme court, five hundred dollars.	clerks of courts Bristol,
Clerk of the supreme court for the county of Bristol, two hundred dollars ; in full for all service in his office.	
Clerk of the court of common pleas for the county of Bristol, two hundred dollars ; in full for all service in his office.	
Assistant clerk of the supreme court for the county of Providence, five hundred dollars.	assistant clerk Providence,
The trial justice of the justice court of the city of Providence, two thousand dollars.	trial justice and clerk Providence,
The clerk of the justice court of the city of Providence one thousand dollars.	
The trial justice of the justice court of the town of North Providence, twelve hundred dollars.	
The clerk of the justice court of the town of North Providence, eight hundred dollars.	North Providence,
The trial justice of the justice court of the city of Newport, seven hundred dollars.	Newport,
The clerk of the justice court of the city of Newport, six hundred dollars.	
The trial justice of the justice court of the town of Woonsocket, one thousand dollars.	Woonsocket,
The clerk of the justice court of the town of Woonsocket, eight hundred dollars.	
Commissioner of public schools, twenty-five hundred dollars, to be in full compensation of all services which shall be required of him by law.	school commissioner,
Insurance commissioner, five hundred dollars.	insurance commissioner,
Commissioner of shell fisheries, four hundred dollars.	commissioners of shell fisheries,
Assistant commissioner of shell fisheries, four hundred dollars.	sheriff, Newport,
Sheriff of the county of Newport, four hundred dollars, in addition to the compensation allowed by law.	physician and chaplain at state prison,
Physician at the state prison, two hundred dollars.	crier, Providence,
Chaplain at the state prison, three hundred dollars.	adjutant-general,
Crier of the courts in Providence county, six hundred dollars.	quartermaster-general,
Adjutant-general, six hundred dollars.	quartermaster-general,
Quartermaster-general, four hundred dollars.	paymaster-general,
Paymaster-general, two hundred dollars.	paymaster-general.

CHAPTER 246.

OF FEES AND COSTS IN CERTAIN CASES.

SECTION

- 1, 2, and 3. Fees of justice courts in civil cases.
- 4. Of justice courts in criminal cases.
- 5. Of officers empowered to take depositions.

SECTION

- 6. Of coroners.
- 7. Of officers empowered to take acknowledgments of deeds, and engage officers.

SECTION

- 8. Of recording and certifying officers.
- 9. Of clerks of courts of common pleas.
- 10. Of clerks of supreme court.
- 11. Of clerk's fees of supreme court and court of common pleas in the county of Providence.
- 12. Entry fees in civil cases, when to be paid, &c.
- 13. Fees of attorneys and parties in supreme court and court of common pleas.
- 14 and 15. Of grand and petit jurors.
- 16. Of witnesses.
- 17. Of certificate of attendance, &c., to be given by witnesses.
- 18. State's costs in supreme court to be paid before docketing.
- 19. State's costs in court of common pleas to be paid before docketing.

SECTION

- 20. State's costs in supreme court and court of common pleas to be paid before verdict recorded.
- 21. Fees of justices of supreme court.
- 22. Fees of sheriffs, deputy sheriffs, town sergeants, and constables.
- 23. Allowance to officers for keeping personal property attached.
- 24. Allowance to officers for aid.
- 25. Officers to endorse fees on process.
- 26. Compensation of officers selected by attorney-general to make disbursements, &c.
- 27. Fees of jailers.
- 28. Of notaries public.
- 29 and 30. Of courts of probate.
- 31. Of town clerks.
- 32. Of state, in criminal cases in supreme court and court of common pleas.
- 33. Of secretary of state.

Fees of justice courts in civil cases.

SECTION 1. Every justice court shall be allowed the following fees, and the same shall be allowed and taxed in the bill of costs in every civil case: —

For entering and recording judgment in any defaulted case	\$1 75
For trial and recording judgment in any such case	2 25
For every continuance of the same	50

Same subject.

SEC. 2. Every justice court shall be allowed the following fees in full, and the same shall be allowed and taxed in the bill of costs: —

For every civil writ, signed by the trial justice or clerk, and made returnable to the court	10
For every writ of execution	20
For every appeal bond	15

Attendance fee of party recovering judgment.

SEC. 3. There shall be taxed in the bill of costs in every case before a justice court where the claim is above fifty dollars, for the attendance and to the use of the party recovering judgment \$1 00

Fees of justice courts in criminal cases.

SEC. 4. Every justice court shall be allowed the following fees in full in all criminal cases: —

For process and examining every person accused of crime beyond the jurisdiction of the justice court to determine, excluding mittimus and recognizance	\$1 75
For every continuance of the same	75
For process and trial of every person accused of crime within the jurisdiction of a justice court, excluding mittimus	1 50
For every continuance of the same	50
For taking recognizance	35
For every mittimus	30

Provided, however, that all the fees and costs received by the justice courts in the cities of Providence and Newport and the towns of North Providence and Woonsocket, shall be accounted for by the clerks of such courts to the state auditor, and paid over to the general treasurer.

No additional fee to be charged where more than one person is included in the same process, if all are examined or tried at the same time.

For examination of poor debtors, for relief 50

For every recognizance of bail of any person committed to jail or any other place of commitment for crime, taken by a trial justice or clerk of a justice court, or by any person empowered by the supreme court or one of the justices thereof to take such recognizance \$1 00

SEC. 5. To all officers empowered to take depositions, there shall be allowed : — Fees of officers empowered to take depositions.

For every hour necessarily employed 40

For every page of two hundred words 30

For every mile's travel to place of caption 10

SEC. 6. The following shall be allowed for the taking of each coroner's inquest, to be paid out of the estate of the deceased, as part of the funeral charges, and with priority as such : and to be exhibited by the coroner against the estate, and enforced by legal process, if need be ; if there be no such estate, or not sufficient, to be paid out of the town treasury ; and if the deceased be a prisoner in the state prison, or in any state jail, or confined in any institution on the state farm, out of the general treasury : — Fees of coroners.

1st. The reasonable expenses of *post mortem* examinations and chemical analyses, ordered by the coroner at the taking of any inquest ; and when so ordered such expenses shall be allowed by the town council.

2d. The following fees : —
 To the coroner for taking the inquest \$1 00
 For each day employed therein 3 00
 For every page of testimony of two hundred words 30
 To each juror empanelled, for each day employed 2 00
 To the officer for summoning the jury 2 00
 And for each day attending the inquest 2 00

SEC. 7. To all officers empowered to take acknowledgments of deeds and administer oaths of engagement to office, there shall be allowed : — Fees of officers empowered to take acknowledgments of deeds and engage officers.

For taking acknowledgment of one or more parties to any instrument at one time 50
 For engaging every officer 25

SEC. 8. To all recording and certifying officers, unless otherwise specially provided, there shall be allowed : — Fees of recording and certifying officers.

For every page of one hundred words recorded or copied 15
 For searching the records, by the hour 40

SEC. 9. To clerks of the courts of common pleas there shall be allowed in full : — Fees of clerks of courts of common pleas.

For every *nil dicit* 75
 For every answered action, petition, and appeal, at its first term \$1 25
 For every continuance of same 1 00
 For every indictment at its first term 8 00
 For every continuance of same 2 00
 For every recognizance at its first term 75
 For every continuance of same 50
 For every writ of execution 25
 For every other writ than summons to voucher 15
 For summons to voucher 50

	For writ and rule to referee and commission to auditors and others	50
	For every appeal bond	10
	For taxing and examining every bill of costs	15
	For attending court by the day	\$1 00
Fees of clerks of supreme court.	SEC. 10. To clerks of the supreme court there shall be allowed, in full:—	
	For every action, appeal, suit in equity and original petition, except petition for insolvent act, at first term,	\$2 00
	For every continuance of same	1 50
	For every petition for benefit of insolvent act	1 50
	For every continuance of same	50
	For every indictment within exclusive jurisdiction of court to try, at first term	6 00
	For every continuance of same	2 50
	For every other indictment at first term	4 00
	For every continuance of same	2 00
	For every recognizance at first term	1 00
	For every continuance of same	50
	For every law writ	15
	For writ and rule to referees, and commission to master in chancery and others	50
	For subpoena in equity	75
	For entry of every writ, action, appeal, and suit in equity	25
	For acknowledging satisfaction of judgment upon record	10
	For taxing and examining every bill of costs	15
	For attending court, by the day	1 00
Of accounting for such fees in Bristol county.	SEC. 11. All clerks' fees in the supreme court and court of common pleas for the county of Bristol shall be received by the clerks to the use of the state.	
	SEC. 12. The fees on each writ, action, appeal, petition, and suit in equity, in any court, for the first term, shall be paid before entering the same; and for each term thereafter, on or before the second day thereof; otherwise the proceeding may be dismissed on motion of the clerk, at the discretion of the court.	
Entry fees, when to be paid, &c.	SEC. 13. The following fees shall be taxed and allowed in bills of costs to attorneys and parties in the supreme court and courts of common pleas in civil cases:—	
	To the plaintiff's attorney obtaining judgment, for writ and declaration	\$1 00
Fees of attorneys and parties, in supreme court, and court of common pleas.	To the attorney of either party in an action at law, for counsel fee in court of common pleas, for each term	1 00
	For same in supreme court, for each term	2 00
	To plaintiff's solicitor for every bill in equity original and supplemental	5 00
	For every petition or motion for a special injunction	2 50
	To defendant's solicitor for every answer to bill in equity, original or supplemental, one only to be taxed, though several filed, if defence be joint	5 00
	For appearing to and answering every petition or motion for a special injunction	2 50
	To parties and witnesses for affidavit on such motion the same fees as in depositions.	
	For the attendance of the party recovering judgment at law or in equity, by the day, partners and joint owners and	

contractors to be taxed as one party; two days only to be taxed in a *nil dicit* 15

For travel of same, per mile 05

SEC. 14. All grand and petit jurors shall be paid for each day's attendance on the supreme court and court of common pleas, each, two dollars and fifty cents (\$2.50). Fees of jurors.

Drawn jurors shall be entitled to ten cents (10), for each mile's travel to and from court. Mileage of drawn jurors.

SEC. 15. If either of said courts shall be adjourned or shall dismiss all the jurors summoned and attending, for one day or more, exclusive of Sundays, the jurors shall be allowed travelling fees at the above rate. Same subject.

SEC. 16. The fees of witnesses shall be:—

For every day's attendance before the supreme court or court of common pleas \$1 50 Fees of witnesses.

For every mile's travel 10

For every day's attendance before any other tribunal or magistrate, including attendance in giving depositions 50

For every mile's travel 05

For every day's commitment in jail upon default to enter into recognizance with surety 2 00

For any witness who shall come from without the jurisdiction of the state to testify in behalf of the state, in any criminal proceedings, such sum, in addition to his travel and attendance, as the court shall deem proper.

SEC. 17. Every witness before obtaining any fees, except the amount which in certain cases must be tendered to him before he can be compelled to attend, shall give a certificate to the clerk of the court or court, if there be no clerk, wherein or before whom his attendance shall be given, certifying the number of days he shall have attended, and the number of miles he shall have travelled, in pursuance of a summons issued for that purpose, which certificate shall be subject to the examination of the court, and such allowance shall be made thereon as may be lawfully due: *Provided*, that a certificate may be made for travel and attendance without a summons, in case a witness for the state comes from without the state. Of certificate of attendance to be given by witnesses.

SEC. 18. There shall be required for the use of the state by the clerks of the supreme court, to be paid before docketing, and to be allowed in the bill of costs:— State's costs in supreme court, to be paid before docketing.

For the entry of every original action at law \$1 00

For the entry of every action at law, on appeal, and of every original bill in equity 1 00

For the entry of every petition and complaint, including motions for new trial, and excluding all petitions and motions attendant on a suit in equity, except petitions and motions for a special injunction 1 00

For the entry of every petition or motion for a special injunction 1 00

SEC. 19. There shall be required by the clerks of the courts of common pleas, for the use of the state, and to be paid before docketing, and to be allowed in the bill of costs:— State's costs in court of common pleas.

For the entry of every action, petition, and complaint . . . \$1 00

SEC. 20. There shall be required by the clerks of the supreme court and of the courts of common pleas, for the use of the state, to be paid before verdict is recorded, and to be allowed in the bills of cost:— State's costs in supreme court and court of common pleas, to be paid before verdict recorded.

For the separate trial to a jury of each issue in a civil cause, in which verdict is rendered \$5 00
 For such trial opened or finished, to a jury, the cause being disposed of without verdict, by continuance or otherwise 2 50
 The above fees to be paid in the first instance by the moving party.

Fees of justices of supreme court.

SEC. 21. There shall be allowed to the justices of the supreme court, for their own use, to be paid in the first instance by the applicant, and allowed in costs, if any:—

For every writ and citation granted out of term 25
 For allowing every bill of costs 10
 For every mile's travel from the residence of the justice to the clerk's office, or place of hearing 10
 For examining every applicant for relief under the poor debtor's act 50
 For bailing every person committed to jail for crime . . . \$1 00
 For the entry of every special court action, if answer be filed, and the justice attends 3 00
 If no answer be filed 1 00

Fees of sheriffs, deputy sheriffs, town sergeants, and constables.

SEC. 22. The fees of sheriffs, deputy sheriffs, town sergeants, and constables shall be as follows:—

For serving any writ of summons, of arrest, or of attachment issued by the supreme court or court of common pleas 75
 For serving any such writ issued by a justice court 50
 For taking bail by bond or endorsement on a writ of arrest 50
 For taking bond for the debt on a writ of attachment, if the amount of said bond be five hundred dollars or under 50
 If over five hundred dollars \$1 00
 For taking bond for goods and chattels attached, the same as taking bond for a debt.

For taking an inventory of goods and chattels attached, for every hour after the first, necessarily employed 20
 For every page of one hundred words of such inventory 15

For every copy of a writ, or for every copy of a writ having thereon a reference to the property attached, or time or place of attachment, or for every copy of a writ with the officer's doings thereon, required to be left with, or for, or to be mailed to any person, for every one hundred words 15
 For committing a person on original writ or mesne process 50

For serving a writ of replevin, including taking bond and delivering property 2 00

For every hour necessarily employed in making an inventory of the property replevied 20
 For every page of one hundred words of such inventory 15

If the damage laid in a writ of arrest, attachment, or replevin be over five hundred dollars, in addition one twentieth of one per cent. for all sums over.

For every return on a writ, setting forth that the defendant cannot be found, or that no goods and chattels and real estate, and shares in any banking association, and personal estate in the hands of a trustee, or either, as the writ to command the attachment thereof, can be found 50

For serving an execution, when the money due thereon is collected or paid during commitment, and does not exceed four dollars 30

If above four and not exceeding seven dollars 40

If above seven and not exceeding twenty dollars	60
If above twenty and not exceeding fifty dollars	\$1 00
If above fifty and not exceeding one hundred dollars	1 50
If above one hundred and not exceeding two hundred	2 00
If above two hundred dollars, two dollars and one tenth of one per cent. ; none of the less sums to be included in the greater.	
For serving an execution by levy on real estate	50
For serving an execution by levy on personal estate, the same as for serving a writ by attachment of like property.	
For serving all executions where the money due thereon is collected or paid during commitment, and does not exceed four dollars	30
For committing a person on execution	1 00
For delivering possession of lands while actually employed, by the day	1 00
For advertising real or personal estate to be sold at auction	1 00
For advertising every adjournment of same	50
For selling at public auction real or personal estate, if one hundred and fifty dollars or under, two per cent.	
If over one hundred and fifty dollars and under three hundred dollars, one and one half per cent.	
On all sums over three hundred dollars and under one thousand dollars, one per cent., and all over one thousand dollars, ten dollars and one tenth of one per cent. in addition, to be computed on the amount of the sales ; and none of the less sums to be included in the greater.	
For serving a subpoena on a witness, if not more than one mile from the place of appearance	20
For travel per mile to serve a subpoena or writ, to be computed from the place where the same is returnable ; and if more than one person is named therein, the travel shall be computed from the place of service which shall be nearest, adding thereto the extra travel which shall be necessary to serve it on the others	10
For serving a warrant or <i>capias</i> in a criminal case, and conveying the prisoner to court, if not more than one mile	60
For every original commitment of a prisoner in such case to any jail or to the state prison, or other place of commitment	70
For every subsequent commitment on same complaint	25
For travel with a prisoner in custody in such case to court, county jail, or to the state prison, or other place of commitment, per mile	20
If under process issued by a justice court to county jail or to the state prison, or other place of commitment, per mile	10
For attending a justice court	25
For attending a justice court, by the day, in a criminal case	50
For attending justice court by the day in the city of Providence, by the week	4 00
For attendance by sheriffs upon the supreme court or courts of common pleas each, whether sitting at the same time or not, by the day	3 00
For actual attendance by deputy sheriffs, other officers and waiters, by the day	2 00
SEC. 23. The supreme court or court of common pleas, or justice	

Allowance to officers for keeping personal property attached.

courts, upon petition made by any sheriff or other officer, setting forth the facts on oath, may allow such fair compensation for the keeping of personal property attached and held on meane process, as shall on examination be found to be reasonable.

Allowance to officers for aid.

SEC. 24. A reasonable allowance may be made by any court or magistrate to an officer serving a seach-warrant and to any person employed by an officer as aid in the service of any process, whenever the same shall be adjudged necessary by such court or justice, not exceeding in any case one dollar per day to each person so employed.

Officers to endorse fees on process.

SEC. 25. Every officer who shall serve any process, civil or criminal, shall endorse thereon the several items which constitute the amount of his fees; and on failure thereof the same shall not be taxed or allowed in any bill of costs, nor be recoverable by law.

Compensation of officers selected by attorney-general to make disbursements, &c.

SEC. 26. The officers who shall be selected by the attorney-general, and who shall keep the names and make the disbursements and returns as provided by law, shall receive annual compensation as follows, viz.: The officer discharging such duties in the county of Providence, two hundred dollars; such officer as shall discharge the same in each of the other counties respectively, twenty-five dollars.

Fees of jailers.

SEC. 27. Jailers shall be allowed as follows:—

For taking custody of each prisoner committed to their custody, whether on civil or criminal process	25
For discharging every such prisoner and entering the same on the jail book	25
For each bond for the liberty of the jail yard, drawn and furnished by the jailer	25
For board of state prisoners and others, by the week	9 00

Fees of notaries public.

SEC. 28. The fees of notaries public shall be as follows:—

For noting a marine protest	\$1 00
For drawing and extending such a protest and recording same	1 50
For taking affidavits	25
For noting any note, bill of exchange, order, or check, for non-payment or non-acceptance	25
For travel of more than one mile, per mile	10
For extending a protest for the non-acceptance or non-payment of a note, bill of exchange, order, or check, and recording the same	75
For taking the acknowledgment of any instrument and affixing his seal	50

Fees of courts of probate on petition for leave to adopt child, and where the inventory does not exceed three thousand dollars.

SEC. 29. Courts of probate shall be entitled to receive for every decree on petition for leave to adopt child, the sum of three dollars (\$3.00). In all cases where the inventory shall not exceed the sum of three thousand dollars, the fees of courts of probate shall be as follows, viz.:—

For the probate of every will, granting letters testamentary thereon, and allowing bond of executor to return an inventory	\$1 00
For receiving and allowing an inventory, and engaging the executor, administrator, or guardian exhibiting the same, when the amount thereof shall be less than one hundred dollars	25
If amounting to one hundred dollars and not exceeding five hundred dollars	50
If amounting to five hundred dollars and not exceeding one thousand dollars	1 00

If over one thousand dollars, one tenth of one per cent.

For the probate of every will, granting letters testamentary thereon, and allowing bond of executor to pay debts and legacies \$1 00

In addition, the same per cent. on the amount of the personal property of the testator as would be payable if an inventory had been returned, such amount to be ascertained by the examination of the executor under oath.

For the filing of every will proved out of the state . . . \$1 00

For granting letters of administration on an intestate estate and allowing bond of the administrator 1 00

For appointing and engaging appraisers 25

For allowing an account of an executor, administrator, or guardian, and engaging the person exhibiting the same . . . 1 00

For granting letters of guardianship over a minor or other person 50

For granting a warrant for dividing real estate or assigning dower, and engaging the persons appointed therein . . . 1 00

For receiving and allowing a division of real estate, or assignment of dower 50

For every decree on petition for sale of real estate, giving instructions, and approving bond, or for refusing to grant such decree after hearing 2 00

For each decree, judgment, or order other than as above . . 25

SEC. 30. In all cases where the inventory shall exceed the sum of three thousand dollars, the fees of courts of probate shall be as follows:—

Fees of courts of probate where the inventory exceeds the sum of three thousand dollars.

For the probate of every will, granting letters testamentary thereon, and allowing bond of executor to return an inventory, or pay debts and legacies \$2 00

For filing every will proved out of the state 2 00

For granting letters of administration on an intestate estate, and allowing bond of administrator 2 00

For appointing and engaging appraisers 50

For allowing the account of an executor or administrator, and engaging the person exhibiting the same 2 00

For allowing the account of a guardian, and engaging the person exhibiting the same 1 00

For granting letters of guardianship over a minor or other person 1 00

For granting a warrant for dividing real estate or assigning dower, and engaging the persons appointed therein . . . 2 00

For receiving and allowing a division of real estate or assignment of dower 1 00

For every decree on petition for sale of real estate, giving instructions and approving bond, or for refusing to grant such decree after hearing 4 00

For every decree, judgment, or order other than the above . . 50

For receiving and allowing an inventory and engaging the executor, administrator, or guardian exhibiting the same, one tenth of one per cent., not exceeding in any one case, one hundred dollars.

SEC. 31. The fees of town clerks shall be as follows:—

Fees of town clerks.

For receiving and filing a certificate of attachment of real estate 10

For receiving and filing an account under the lien law . . . 10

	For recording every certificate of marriage	20
	For recording every birth or death	10
	For every certificate of the qualification of a voter	10
	For drawing bond and license for keeping tavern, retailing liquor, or other purpose	50
	For allowing a discharge of a mortgage on the record	25
	For receiving an appeal bond and filing the same	10
	For taking bond and issuing letters testamentary or of administration or of guardianship	\$1 00
	For every warrant or citation	50
	For drawing decree of probate of will or codicil	50
	For drawing decree of acceptance or allowance of an inventory, commissioner's report, account, or guardian's list of bts	25
	For every petition for the adoption of child	2 00
	For receiving and filing every certificate of death	10
	For every notice ordered by the court or issued in pursuance of law	50
	For every summons for witnesses	10
Fees to be taxed for state in certain criminal cases.	SEC. 32. There shall be taxed and allowed to the state in the bill of costs against every person, in a criminal cause pending in the supreme court or the courts of common pleas, to which it shall be the duty of the attorney-general to attend:—	
	For every indictment drawn which shall be found by the grand jury	\$1 50
	For the argument of other indictment or complaint in which issue is joined in law or in fact	5 00
Fees of secretary of state.	SEC. 33. To the secretary of state there shall be allowed, for the use of the state, and to be accounted for by him to the state:—	
	For every private petition to the general assembly received in either house which shall be continued with order of notice, to be paid by the applicant on continuance of the same	\$1 50
	For making a certificate and affixing seal of the state where the state is not a party, to be retained by him to his own use	1 00

TITLE XXXIV.

OF THE MILITIA.

CHAPTER 247. Of the enrolled militia.

CHAPTER 248. Of the active militia.

CHAPTER 249. Of the organization of the militia, and how officered.

CHAPTER 250. Of the election, appointment, commissions, warrants, and oath of officers.

CHAPTER 251. Of arms, equipments, armories, and military property.

CHAPTER 252. Of discipline, inspection, training, and review.

CHAPTER 253. Of rolls and returns.

CHAPTER 254. Of drafts and calling the militia into service.

CHAPTER 255. Of exemptions by bodily infirmity, and of discharges.

CHAPTER 256. Of pay.

CHAPTER 257. Of fines and penalties.

CHAPTER 258. Of courts-martial.

CHAPTER 259. Of boards of officers and courts of inquiry.

CHAPTER 247.

OF THE ENROLLED MILITIA.

SECTION

1. Who to be enrolled and how, and rolls how to be delivered and recorded, in the towns.
2. Penalty upon town council and clerk, for neglect of duties prescribed in preceding section.
3. Returns of enrolled militia, how and when to be made to adjutant-general.

SECTION

4. Persons exempt from military duty.
5. Persons temporarily exempt.
6. Duty of disclosing to assessors persons liable to military duty.
7. Who to be disenrolled from the militia.

SECTION 1. Every town council shall annually cause to be enrolled all persons living in their respective limits between the ages of eighteen and forty-five, liable to be enrolled by the laws of the United States, arranged alphabetically, and shall, on or before the first Monday of October of each year, place the same in the hands of the clerk of their town, who shall record the same in a book to be kept by him for that purpose.

Who to be enrolled, and rolls how to be recorded.

SEC. 2. Every town council or town clerk who shall neglect or refuse to perform any of the duties imposed upon them respectively, by the preceding section, shall be fined fifty dollars.

Penalty for neglect, &c.

SEC. 3. A copy of the annual return of the militia so enrolled shall be certified and transmitted by such clerk, on or before the fifteenth day of November in each year, certified by him to the adjutant-general, who shall record the same in a book to be kept by him for that purpose.

Copy of return to be transmitted to adjutant-general, &c.

SEC. 4. The following persons shall be exempted from military duty in this state:—

Persons exempt from military duty.

Those exempted by the laws of the United States, to wit: the vice-president of the United States; the officers, judicial and executive, of the government of the United States; the members of both houses of congress and their respective officers; all custom-house officers, with their clerks; all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferry-men employed at any ferry on the post-road; all pilots and all mariners actually employed in the sea-service of any citizen or merchant within the United States; and in addition, all persons who have holden the office of governor or lieutenant-governor; all persons who, after the last day of February, A. D. 1796, shall have holden in this or any other of the United States, or in the service of the United States, any military commission or commissions, or staff-office, with the rank of an officer of the line for the space of five years successively, and who shall have been engaged thereon according to law, and been honorably discharged:

and all persons who shall have holden in this state any such military commission or commissions, or staff-office aforesaid, for a term less than five years, and who have been superseded without their consent.

Persons temporarily exempt.

SEC. 5. Persons of the following description, as long as they shall remain of said description, shall be exempted from the performance of military duty, to wit: the justices and clerks of the supreme court, the justices and clerks of the court of common pleas, the secretary of state, the attorney-general, the general treasurer, the state auditor, the sheriff and his deputies of each county, one ferry-man at each stated ferry who usually navigates the boat, the keepers of light-houses within this state, all settled or ordained ministers of the gospel, all licensed preachers, the president, professors, tutors, and steward of Brown University, the members of the town councils of the several towns, the mayor and aldermen of any city, town and city treasurers, town and city clerks, practising physicians, practising surgeons — not including the pupils of either — preceptors and ushers of academies and schools, and members of fire companies who are a part of the fire department of the town or city in which they reside, not exceeding twenty men to any company, unless otherwise provided by special enactment; all persons belonging to the Society of Friends, and the inhabitants of the towns of New Shoreham and Jamestown, and of the island of Prudence, the island of Patience, and Hog Island, and such others as shall make oath or affirmation that they are conscientiously scrupulous against bearing arms, which fact shall appear by certificate of the magistrate before whom such oath or affirmation was given.

Duty of disclosing to assessors names of persons liable to do military duty.

SEC. 6. Every keeper of a tavern or boarding-house, and every head of a family or dwelling-house, shall, upon application of the assessors of taxes of the town or city within which such tavern or house is situated, or on application of any person acting under the direction and authority of such assessors, give information of the names of all persons residing in such tavern or house liable to enrollment, or to do military duty.

Who to be disenrolled.

SEC. 7. If any non-commissioned officer or private shall become a pauper, vagabond, or common drunkard, or be convicted of any infamous crime, he shall be forthwith disenrolled from the militia.

CHAPTER 248.

OF THE ACTIVE MILITIA.

SECTION

1. What shall consist of.
2. Chartered companies, number to be admitted into, and how to be drilled and disciplined.
3. Active militia, liability to service of.

SECTION

4. Companies of, how may be formed.
5. Companies of volunteer militia, how disbanded.
6. Companies of active militia, how.

What shall consist of.

SECTION 1. The active militia shall consist and be composed of the officers, non-commissioned officers, privates, and musicians of the several chartered military companies of this state; of such other volunteer military companies, composed of enrolled persons, as shall have

been organized according to law; of the officers commissioned pursuant to the provisions of this title; the members of military bands, chartered and attached to any company, regiment, or brigade; and such drivers of artillery as may be enlisted into any artillery company.

SEC. 2. The chartered companies may admit members to the number of five hundred, anything in the charters of said companies to the contrary notwithstanding; they shall be drilled and disciplined as battalions as well as companies, and shall be the peace establishments of the state, and nurseries of officers.

Chartered companies, number of, and how drilled and disciplined.

SEC. 3. The active militia shall, in all cases, first be ordered into service, in case of war or invasion, or to prevent invasion or suppress insurrection, riot, or tumult, or to aid civil officers in the execution of the laws of the state.

Active militia, liability to service of.

SEC. 4. No military company shall be created without the express permission of the general assembly.

Military companies, how formed.

SEC. 5. Whenever any volunteer militia company shall have less than forty men, the commander-in-chief may disband it and take possession of the arms, equipments, and other property furnished it by the state.

Companies of volunteer militia, how disbanded.

SEC. 6. Whenever any corps of the active militia shall be destitute of commissioned officers, or shall be reduced, if a chartered military company, to a less number than thirty active members, the major-general shall order an examination to be made into the state of the company, and shall report thereon to the governor, who shall cause the commanding officer of such company to be notified thereof, and if such company shall not, after such notice, fill its ranks to at least forty men, and make return of an election of officers within three months after such report to the governor, then such company shall be disbanded by the governor, unless such company has given other privileges secured by charter.

Companies of active militia, how disbanded.

CHAPTER 249.

OF THE ORGANIZATION OF THE MILITIA, AND HOW OFFICERED.

SECTION

1. Brigades, their number and constitution.
2. Commander-in-chief and his aids.
3. Adjutant-general.
4. Quartermaster-general.
5. Paymaster-general.
6. Commissary-general.
7. Surgeon-general.
8. Judge advocates-general.
9. Staff department of the state and their assistants.
- 10 and 11. Major-general and his staff.
- 12 and 13. Brigadier-generals and staff.

SECTION

14. Officers of chartered companies.
15. Companies when to constitute a battalion.
16. Companies, how divided, and officers of, how appointed in such case.
17. Officers of company in such battalion.
18. Musicians of infantry company.
19. Musicians, &c., of rifle, cavalry, and light artillery company, and drivers of artillery company.
20. Staff-officers in field, who to obey.

SECTION

- 21. Officer absent, &c., who to succeed.
- 22. Companies attached, without officers; how to be supplied.
- 23. Organization of regiments, bat-

SECTION

- talions, and companies, other than chartered companies.
- 24. Power to detail officer to drill companies without officers.

Brigades, their number and constitution.

SECTION 1. The chartered companies attached to the line, and the enrolled militia in this state, shall be arranged in one division, consisting of three brigades. Persons belonging to either of these classes in the counties of Newport and Bristol shall constitute the first brigade; those in the county of Providence, the second brigade; those in the counties of Washington and Kent, the third brigade.

Commander-in-chief and his aids.

SEC. 2. The officers and non-commissioned officers of the militia shall be as follows, to wit: the governor for the time being shall be captain-general and commander-in-chief; and he shall command, except when the militia shall be called into the service of the United States; and he shall be entitled to appoint his own aids, with the rank of colonel.

Adjutant-general.

SEC. 3. There shall be an adjutant-general, who shall have the rank of brigadier-general. He shall perform the duties of inspector-general, and shall be the chief of the staff department, and all orders to and returns and reports from the other officers of the staff department shall be made through and to him.

Quartermaster-general.

SEC. 4. There shall be one quartermaster-general, with the rank of brigadier-general, who shall have the care and custody of all arms, equipments, and military property belonging to the state.

Paymaster-general.

SEC. 5. There shall be one paymaster-general, with the rank of colonel.

Commissary-general.

SEC. 6. There shall be one commissary-general, with the rank of colonel.

Surgeon-general.

SEC. 7. There shall be one surgeon-general, with the rank of colonel.

Judge advocate-general.

SEC. 8. There shall be one judge advocate-general, with the rank of colonel.

Staff department of the state and their assistants.

SEC. 9. The officers named in the six sections next preceding shall be attached to the staff of the commander-in-chief, and shall constitute the staff department of the state, and may each, with the approval of the commander-in-chief, appoint one or more assistants, who shall have the rank of captain.

Major-general and his staff.

SEC. 10. There shall be one major-general, who shall command the division. He shall appoint his own aids, not exceeding two, who shall have the rank of major. The other officers of the staff of the major-general shall be one division inspector, who shall be adjutant-general of the division, and shall have the rank of colonel, and one quartermaster, with the rank of major.

Same subject.

SEC. 11. There may also be, when the exigencies of the service require it, of which the commander-in-chief shall be the judge, one paymaster, one commissary, one surgeon, one judge-advocate, each with the rank of major.

Brigadier-generals and staff.

SEC. 12. There shall be to each brigade one brigadier-general, who shall command the brigade for which he is elected. He shall appoint one aid, with the rank of captain. The other officers of the staff of each brigadier-general shall be one brigade major and inspector, with the rank of major, who shall perform the duties of adjutant-

general of the brigade, and one brigade quartermaster, with the rank of captain.

SEC. 13. There may also be, when the exigencies of the service require it, of which the commander-in-chief shall be the judge, to each brigade, one paymaster, one commissary, one surgeon, one judge advocate, each with the rank of captain.

Same subject.

SEC. 14. The officers of every chartered company shall be one colonel, one lieutenant-colonel, one major, one captain, one lieutenant, who shall be line officers; and there may be one adjutant, one quartermaster, one paymaster, one commissary, one surgeon, one assistant-surgeon, each with the rank of first lieutenant, who shall be the staff-officers of such company. The commander of each company may, in his discretion, appoint a chaplain, a sergeant-major, one sergeant quartermaster, one drum major, one fife major. Each company shall have such non-commissioned officers as may be necessary, who shall be appointed by the commander thereof.

Officers of chartered companies.

SEC. 15. The commander of such company, when the active roll of such company shall be sufficiently large, or when it is increased by enlistments, drafts, or volunteers, may divide his command into companies of not less than forty men to each company; and in such case his command shall constitute a battalion or regiment, as the case may be.

Companies, when to constitute a battalion.

SEC. 16. Whenever any chartered company is increased by drafts or otherwise to a regiment or battalion, it shall be divided into companies of forty men each, and the commander-in-chief shall, at the request of the commander of such chartered company, appoint commissioned officers therefor for such chartered companies.

How divided, and officers how appointed, in such case.

SEC. 17. Each company of such battalion or regiment shall have one captain, one first lieutenant, one second lieutenant, one third lieutenant, five sergeants, and four corporals.

Officers of company in such battalion.

SEC. 18. Each infantry company and artillery company armed as infantry, may have one drummer and one fifer.

Musicians of infantry.

SEC. 19. Each rifle company may have two buglers; each cavalry and light artillery company may have one saddler, one farrier, and two trumpeters; each artillery company three or more drivers.

Buglers, drivers, &c., of cavalry, artillery, &c.

SEC. 20. When serving in the field with troops, in the absence of the commander-in-chief, all officers of the staff department shall be subject to the orders of the officer of the line highest in rank commanding the troops assembled.

Staff-officers in field, who to obey.

SEC. 21. Whenever any office of the line or staff is vacant, or such officer be sick or absent, the duties of such officer shall be performed by the officer next in rank in the line or in the department of the staff, until the vacancy be filled, or the disability be removed: *Provided*, that the commander-in-chief may appoint some person to fill any vacancy, until the same shall be filled by a regular election or appointment.

Officer absent, &c., who to succeed.

SEC. 22. Whenever a company, belonging to a chartered company, filled up by drafts or levies, shall have neither commissioned nor non-commissioned officers, the commanding officer of the battalion or regiment to which such company belongs shall appoint suitable persons of such company to be non-commissioned officers of the same; and the senior non-commissioned officer of a company without officers shall command the same, except upon parade, and except as provided in the following section.

Companies attached, without officers, how to be supplied.

SEC. 23. Every regiment, battalion, or company in the various arms of the service of the militia, other than chartered companies, shall have the same number and grade of commissioned and non-com-

Organization of regiments, battalions,

and companies,
other than
chartered com-
panies.

missioned officers, and shall in all respects be organized in the same manner, as a regiment, battalion, or company in the same arm of the service are, or from time to time, may be officered and organized in the army of the United States.

Power to detail
officer to drill
companies
without officers.

SEC. 24. Whenever any company shall, from any cause, be without officers, the commanding officer of the battalion or regiment to which such company belongs may detail some officer of the staff, or of the line of the regiment, to train and discipline such company, until some officer shall be elected or appointed, and such officer so detailed, shall have the same power and authority, and be subject to the same liabilities, as if he were captain of such company; and he shall keep the records of the company.

CHAPTER 250.

OF THE ELECTION, APPOINTMENT, COMMISSIONS, WARRANTS, AND OATH OF OFFICERS.

SECTION

1. General staff, how elected.
2. Major-general, how.
3. Brigadier-generals, how.
4. Chartered companies, when to be attached to the line.
5. Staff-officers in general, how appointed.
6. In case no nomination, &c., for an office, appointment how made.
7. Field-officers of regiments and battalions, how elected.
8. Captains and lieutenants of companies, how.
9. Non-commissioned staff, and non-commissioned officers, how appointed.
10. Elections for choosing company officers, when and how holden, and proceedings at.
11. Elections for choosing field-officers, when and how holden, and proceedings at.
12. Returns of officers elected, how and to whom reported and certified.
13. Clerk of company, how appointed and duties of.
14. Of approval of election of commissioned officers of company, and proceedings in case of disapproval.

SECTION

15. Such officers, how commissioned and engaged.
16. Officers of companies composed of drafts, &c., into regimental companies, how appointed.
17. Commissioned officers, who, and commissions, how signed, &c., and for what term.
18. Warrants of non-commissioned officers, by whom granted.
19. Tenure of office of aids.
20. Tenure of office, of staff-officers in general.
21. Tenure of office, of officers of chartered companies.
22. Commissioned officers, how to take rank.
23. Dispute respecting rank, how decided.
24. Of date of commission.
25. Commission lost, to be supplied.
26. Commissions, by whom to be delivered.
27. Officers, other than of chartered companies, how to be notified of appointment, and give notice of acceptance.
28. Oath of commissioned officer, what, and how taken and certified.

General staff,
how elected.

SECTION 1. The adjutant-general, quartermaster-general, commissary-general, paymaster-general, surgeon-general, and judge advocate-general shall be elected by the general assembly in grand committee.

SEC. 2. The major-general shall be elected by the general assem-

bly in grand committee, on the nomination of the commanding officers of brigades, and the field officers of battalions and regiments. Major-general, how.

SEC. 3. The brigadier-generals of brigades shall be elected by the general assembly in grand committee, on the nomination of the officers of the line of the brigades of such general. Brigadier-generals, how.

SEC. 4. If at any time any chartered company not attached to the line shall accept the provisions of this title, which acceptance shall be irrevocable, and notify the adjutant-general thereof, such company shall thenceforth be attached to the line. Chartered companies, when to be attached to the line.

SEC. 5. The officers, except aids, composing the staffs of the major-general and brigadier-generals commanding brigades, shall be appointed by the commander-in-chief, on the nomination of the generals respectively. Staff-officers, how appointed.

SEC. 6. If any person shall be nominated for any military office, and such nomination be an improper one, or the commander-in-chief shall disapprove the same, or if no nomination shall be made, the general assembly in grand committee may elect, or the governor appoint, as the case may be, some suitable person to such office. If no nomination, &c., appointment, how made.

SEC. 7. Field-officers of regiments and battalions shall be elected by the written votes of the captains and lieutenants of the companies of the respective regiments or battalions. Field-officers, how elected.

SEC. 8. Captains and lieutenants of companies shall be elected by the written votes of the non-commissioned officers and privates of the respective companies. Line officers, how.

SEC. 9. The officers and non-commissioned officers composing the regimental staff shall be appointed by the commanding officer of the regiment or battalion to which they are attached. Non-commissioned officers of companies shall be appointed by the captains of their respective companies. Non-commissioned staff, and non-commissioned officers, how appointed.

SEC. 10. Elections for the purpose of choosing company officers shall be holden by each company upon the second Monday of May, annually, one week's notice in writing being given of such election, by the clerk of the company, to each member thereof. Each officer shall be separately voted for, and the person who receives a majority of the written votes of the electors present at such meeting shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof to the commanding officer of the regiment or battalion to which such company is attached. Elections for choosing company officers, when and how holden, and proceedings at.

SEC. 11. Elections for the purpose of choosing the field officers of the several regiments shall be holden by the captains and lieutenants of the several companies comprising each regiment, on the first Monday of June, annually. Notice, in writing, for one week, of such election shall be given by the adjutant to each qualified elector. Each officer shall be separately voted for, and the person who receives a majority of the written votes of the electors present at such meeting shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof to the brigadier-general, or other officer in command of the brigade to which the regiment is attached. Elections for choosing field-officers, when and how holden, and proceedings at.

SEC. 12. Returns of all officers elected, made to commanders of regiments or battalions, shall be reported by such commanders to the brigadier-general, or person in command of the brigade, who shall forthwith certify the same to the adjutant-general. Of returns of officers elected.

SEC. 13. The commanding officer of each company shall, under his warrant, appoint a clerk of the company, who shall keep a record of the proceedings at all business meetings of the company, and shall certify all copies of the same. Company clerk, appointment and duties of.

Of approval of election of commissioned officers of company, and proceedings in case of disapproval.

SEC. 14. Immediately after the election of commissioned officers by a company, the superior officer of the company for the time being shall make return of the persons chosen to the places of officers of the line, to the governor and senate, or to the brigadier-general of their brigade, and to the governor, for their approval; and if they or any of them are disapproved, such officer shall call such company together as soon as conveniently may be, and a new election shall be had for such officer or officers as shall be disapproved: *Provided*, that nothing in this section contained shall be construed to impair rights expressly vested by any military charter.

How commissioned and engaged.

SEC. 15. Such officers, when approved, shall be commissioned and engaged as other militia officers.

Of officers of chartered company increased to regiment.

SEC. 16. Whenever any chartered company shall be increased, by drafts or otherwise, to a regiment, it shall consist of eight companies of not less than forty men each, and the commander-in-chief may appoint a sufficient number of commissioned officers therefor from such chartered company.

Commissioned officers, who, and commissions, how signed and for what term.

SEC. 17. Every officer of and above the rank of lieutenant shall receive a commission, which shall be signed by the commander-in-chief, and countersigned by the secretary of state, and shall be for the term of five years, and until another is elected or appointed and qualified to act in his place, except as is hereinafter provided.

Warrants of non-commissioned officers, by whom granted.

SEC. 18. Every non-commissioned officer shall receive a warrant from the commandant of the company to which he shall belong, and the non-commissioned officers of companies composing a regiment or battalion shall receive a warrant from the commanding officer of such regiment or battalion.

Tenure of office of aids.

SEC. 19. The aids of the governor shall hold their commissions only for the term of office of the governor by whom they were appointed. The aids of the major-general, and of the brigadier-generals of the line, shall hold their commissions only for the term of office of the generals by whom they were appointed.

Of staff-officers in general.

SEC. 20. The other officers of the staff of the respective brigadier-generals commanding brigades, shall hold their office for the term of office of the general by whom they were nominated, and until their successors are appointed and qualified to act.

Of officers of chartered companies.

SEC. 21. The officers of chartered companies shall be elected and hold their offices as by their charter provided.

Commissioned officers, how to take rank.

SEC. 22. All commissioned officers of the same grade shall take rank according to the respective dates of their commissions; and whenever two or more of the same grade bear an equal date, their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, company, or detachment, or the president of a court-martial, as the case may be.

Disputes respecting rank, how decided.

SEC. 23. Whenever any dispute shall arise respecting the relative rank of the officers of the chartered companies and of the regiments, battalions, and companies of the volunteer militia, the question at issue shall be decided by the brigadier-general of the brigade to which the companies, battalions, and regiments have been assigned.

Of date of commission.

SEC. 24. The day of election or appointment of every officer shall be set forth in, and be the date of his commission; and whenever he shall be transferred to another corps or station of the same grade, the date of his original commission or appointment of the same grade shall be the date of his commission, regard being had to continuous service in such grade.

SEC. 25. Whenever any officer shall lose his commission, he shall

be entitled to a duplicate commission of the same grade and date, on his affidavit made before a justice of any court in this state, on application to the commander-in-chief.

SEC. 26. All commissions shall be delivered to the adjutant-general, and by him to the persons for whom they are intended.

SEC. 27. Upon the appointment of any officer other than officers of chartered companies, notice in writing, by mail, shall be given to the person so appointed, by the adjutant-general, or in such manner as the appointing power may direct, and such person so appointed shall, within twenty days thereafter, accept such appointment, and communicate the same to the adjutant-general, or shall be considered as having declined.

SEC. 28. Every commissioned officer, before he shall enter on the discharge of the duties of his office, shall take and subscribe the following oath, before some person authorized to administer oaths, and on the back of each commission the following form of the oath shall be printed, to wit: "I, _____ do solemnly swear (or affirm) that I will bear true faith and allegiance to the State of Rhode Island and Providence Plantations; that I will support the constitution and laws thereof, and the constitution and laws of the United States; and that I will faithfully and impartially discharge all the duties incumbent on me as _____ to the best of my abilities and understanding, according to the laws of this state and of the United States; so help me God." (Or, "this I promise on the pains and penalties of perjury.") On the back of each commission the following form of certificate shall be printed, and signed by the person before whom such officer shall be qualified, to wit: "This may certify that _____ commissioned within named, appeared before me this _____ day of _____ A. D. _____, and took and subscribed the oath prescribed by the laws of this state, before me." (Signed, &c.) And the officer taking such oath shall, within thirty days from the receipt of his commission, transmit to the adjutant-general a duplicate of such certificate.

Commission lost, to be supplied.

Commissions, by whom delivered.

Officers, other than of chartered companies, how to be notified, and how notify acceptance of office.

Oath of commissioned officer, what and how taken and certified.

CHAPTER 251.

OF ARMS, EQUIPMENTS, ARMORIES, AND MILITARY PROPERTY.

SECTION

1. Armories, how provided.
2. Armory for band of second brigade, how.
3. Of certificate by town council upon armories in its town, &c.
4. Duties of quartermaster-general upon receiving such certificate.
5. Arms and equipments of companies, how supplied, and to be kept.
6. Inspection of armories of.
7. Ammunition, how provided.
8. Armorer of company, how appointed and duties of.

SECTION

9. Books of tactics, &c., under whose charge.
10. To whom to be issued.
11. How to be receipted and accounted for.
12. New levies in time of war, &c., how to be equipped and furnished.
13. Uniform of companies.
14. General officers of line, and staff-officers in general, how to be uniformed and equipped.
15. Exemption of uniform, arms, &c., from attachment, levy, &c.

SECTION

- 16. Of bond, &c., of paymaster-general, and of other officers receiving public moneys, &c.
- 17. What authority necessary for issuing clothing, or purchasing arms, equipments, or clothing.

SECTION

- 18. Of accountability for books, arms, equipments, or other military property.
- 19. Penalty for neglect or refusal to return same.

Armories, how provided.

SECTION 1. Every town council shall provide for companies within the limits of its town suitable armories, or places of deposit for the arms, equipments, and equipage furnished to such companies by the state.

For band of second brigade, how.

SEC. 2. The board of aldermen of the city of Providence shall provide an armory, or a suitable place of meeting, for the band of the second brigade.

Of certificate by town council upon armories in its town, &c.

SEC. 3. Every town council shall, in the month of December, transmit to the office of the quartermaster-general a certificate, verified by the oath or affirmation of at least two of its members, showing the number of armories in its town; the names of each company occupying the same; the amount paid for the rent thereof; and stating that such board consider such armory necessary for the use of such company, and that the rent charged therefor is fair and reasonable.

Duties of quartermaster-general, upon receiving such certificate.

SEC. 4. The quartermaster-general shall annually examine all certificates so returned to his office, institute any inquiries he deems expedient relative thereto, and allow them in whole or in part, to an amount not exceeding one hundred dollars for one company. He shall, within ten days after such examination, file in the office of the auditor his certificate, stating the sums allowed, and the name of the company for whose use each sum is allowed, and the town or city to which it belongs, and shall thereupon notify the board of aldermen or town council of the sum allowed, which sum shall be paid upon the warrant of the governor to such board of aldermen or town council.

Arms and equipments of companies, how supplied and to be kept.

SEC. 5. Each company shall be furnished with the necessary arms and equipments on application to the quartermaster-general, and on delivering to him a sufficient bond, signed by the officers of such company, for the safe keeping and return of the same when required by the commander-in-chief, and producing to him satisfactory evidence that a suitable armory, or place of deposit for such arms and equipments, has been provided in the town or city within which said company is situated; which arms and equipments so furnished shall be carefully kept for the use of such company for military purposes only.

Inspection of armories of.

SEC. 6. The commander-in-chief may, from time to time, require any officer to examine the armory or place of deposit provided as aforesaid, and report to him the condition thereof, and of the arms therein deposited.

Ammunition, how provided.

SEC. 7. Every company shall be provided by the quartermaster-general with such ammunition as may be approved by the commander-in-chief.

Armorer of company, how appointed, and duties of.

SEC. 8. The commanding officer of every company shall appoint annually some suitable person from such company as armorer, who shall have the care of all guns, muskets, equipments, and other property belonging to the state, while in the possession of said company, and keep the same in proper order and condition.

Books of tactics, &c., under whose charge.

SEC. 9. All books of tactics deposited with the state by the government of the United States, all books purchased by this state for

the use of the militia of the state, and all other military books belonging to the state, shall be under the charge and control of the adjutant-general.

SEC. 10. The adjutant-general shall issue books of tactics to each general and staff-officer, and officers of companies; and one copy of all other books which may be furnished by the state, and all necessary blanks, to each commissioned officer.

To whom to be issued.

SEC. 11. Such books and blanks shall be received for by each officer receiving the same, to be held and accounted for by him as public property; and no resignation shall be accepted until such books and all other public property delivered to such officer shall be delivered to his successor, or to the adjutant or quartermaster-general, or satisfactorily accounted for; and double the value of such books or other property may be recovered of any such officer, his executors or administrators, in an action of the case, in any court of this state competent to try the same, at the suit of the adjutant-general.

How to be receipted and accounted for.

SEC. 12. In case of new levies in time of war, or insurrection, the commander-in-chief shall arm, equip, and furnish them out of the state's arsenal.

New levies. how equipped.

SEC. 13. Every company shall have an appropriate uniform.

Uniform.

SEC. 14. Every general officer of the line, and every officer of the staff, other than the staff-officers of chartered companies, shall provide himself within sixty days after he shall have been notified of his appointment with a good sword and belt, and a uniform complete, which shall be such as the commander-in-chief shall approve; and in case of neglect to comply with the provisions of this section by any officer, such office is hereby declared vacant.

General officers of line, and staff officers in general, how to be uniformed and equipped.

SEC. 15. Every officer, non-commissioned officer, musician, and private shall hold his uniform, arms, ammunition, musical instruments, and equipments, free from all suits, distresses, execution, or sales for debts or taxes; and the arms, equipments, uniforms, musical instruments, and other military property belonging to any military company, or to any band, and which may be necessary for the military purposes of their organization, shall be in like manner free and exempt.

Exemption of uniform, arms, &c., from attachment, levy, &c.

SEC. 16. The paymaster-general and all other officers commissioned under this title, into whose hands shall be placed public moneys or other public property to the amount of more than five hundred dollars, shall give bond for the faithful discharge of the duties of their respective offices, in such form and in such amount as may be required by the commander-in-chief; and such compensation shall be made to such officers for the care of such property, or the disbursement of such moneys, as a board of officers shall prescribe.

Of bond, &c., of paymaster-general, and of other officers receiving public moneys, &c.

SEC. 17. No clothing shall be issued to the militia of this state from the quartermaster-general's department; and no arms, equipments, or clothing shall be purchased at the expense of the state, without authority being first obtained from the general assembly.

Of issuing clothing, and purchasing arms, &c.

SEC. 18. Every person who shall have received from the adjutant-general or from the quartermaster-general any books, arms, equipments, or other military property, belonging to the state, or which shall have been deposited with the state by the United States, shall be responsible for their safe keeping, and shall return the same to the officer from whom the same were received, upon his demand therefor, who may bring, in the name of the state, an action against such person for any damages thereto caused by his negligence, or for his

Of accountability for military property.

neglect, upon such demand so to return the same, as well as an action for the recovery thereof.

Penalty for neglect or refusal to return same.

SEC. 19. Every person receiving any such books, arms, equipments, or other military property from any person, to whom the same had been delivered by the adjutant-general or quartermaster-general, and who shall refuse or neglect to return the same to such person upon his demand therefor, shall forfeit five times the value thereof, to be received in an action brought in the name of the state.

CHAPTER 252.

OF DISCIPLINE, INSPECTION, TRAINING, AND REVIEW.

SECTION

1. System of discipline and field exercise, what.
2. Inspection and drill of chartered companies, when and what.
3. Of volunteer companies, when and what.
4. Same subject.
5. Time and place of brigade training, how appointed.
6. What trainings to be included in those prescribed by charters of chartered companies.
7. Rank of brigades and companies in the field.
8. Duty of brigadier-generals and brigade inspectors and quartermasters, at brigade inspections and reviews.
9. Duty of brigadier-generals at regimental trainings.

SECTION

- 10 and 11. Of annual inspection of armories.
12. Power to fix and guard limits of parade ground.
13. Power to abate gambling and drinking booths within three miles of encampment or training field.
14. Arms, not to be loaded, &c., on parade.
15. Exemption from military duty on election days.
16. Power of companies to meet for drill, funerals, &c.
17. Orders, by whom to be distributed.
18. Power of commander-in-chief to order out militia.
19. Exemption of officers and privates from arrest when under orders.

Discipline and field exercise, what.

SECTION 1. The system of discipline and field exercise, from time to time ordered for the army of the United States, shall be the system of discipline and field exercise for the militia of this state.

Inspection and drill of chartered companies, when and what.

SEC. 2. Each commanding officer of a chartered company shall order out his company on some day in May, annually, at nine o'clock in the forenoon, for inspection and drill, and shall keep his company under orders at least until four o'clock P. M., and longer if he deems it necessary; and he shall inspect, examine, and take an exact account of the equipments of his men, note all the delinquencies of appearance and deficiencies of equipments, and correct his roll, in order that a thorough inspection may be made of all the active militia in this state; and every commanding officer of a company shall faithfully train and discipline his company on said day, as well as inspect them.

Of volunteer companies, when and what.

SEC. 3. The commanding officer of each volunteer company of the militia shall, at stated intervals, at least four times in each year, order his company to assemble at their armory, or other convenient place, for the purpose of being drilled and instructed in the manual of

arms, and in the school of the company ; and every member of such company who shall neglect or refuse to appear as in this section provided, shall be fined one dollar.

SEC. 4. The commanding officer of each volunteer company shall order out his company on some day in the month of May, annually, to be appointed by the brigadier-general commanding the brigade, at an hour not later than nine o'clock in the forenoon, for inspection and drill, and shall keep his company under orders at least until four o'clock in the afternoon, and longer if he deems it necessary ; and he shall inspect, examine, and take an exact account of the equipments of his men, note all the delinquencies of appearance and deficiencies of equipments, and correct his roll and report the same to his commanding officer, to be by him transmitted to the adjutant-general.

Same subject.

SEC. 5. Unless the time and place and manner of assembling be otherwise ordered by the commander-in-chief, the active militia of this state shall, in the month of September or October of each year, meet by brigade, for the purpose of training, disciplining, and improving them in martial exercises ; and the time and place of brigade rendezvous shall be appointed by the brigadier-general : *Provided*, that the major-general shall have power to divide any brigade, for the purpose of the brigade training, in such manner as, from their position, the convenience of the companies therein may from time to time require.

Time and place of brigade training, how appointed.

SEC. 6. The trainings provided for in sections two and five of this chapter are to be included in the number of trainings prescribed by the charters of chartered companies.

Trainings of chartered companies.

SEC. 7. Each brigade, when in the field, shall take rank according to its number, beginning at the lowest number as highest in rank ; and each company shall form according to the rank of the officers present commanding them, having due regard to the arm of the service to which said corps belong ; and when such company is filled up by drafts or levies, according to the number of each regiment ; and when distinct corps shall parade, join, or do duty together, the senior officer present shall command without regard to corps.

Rank of brigades and companies in the field.

SEC. 8. The brigadier-generals, brigade inspectors, and brigade quartermasters shall attend the inspections and reviews of their respective brigades ; shall inspect their arms, ammunition, and equipments ; superintend their exercises and evolutions, and introduce and enforce the system of discipline required by law and by the orders of the commander-in-chief.

Duty of brigadier-generals and brigade inspectors and quartermasters, at inspections and reviews.

SEC. 9. Every brigadier-general shall be present at each regimental training throughout his brigade, inspect and review the same, and instruct it in military evolutions ; and to enable him so to do, he shall, by general order, arrange the times for the assembling of the different regiments so as to perform this duty.

Duty of brigadier-generals at regimental trainings.

SEC. 10. An annual inspection of the armories of the militia companies in this state, and of the arms, equipments, uniforms, and other property in their possession, shall be made by the quartermaster-general, or by some officer detailed by him, with the approval of the commander-in-chief.

Of annual inspection of armories.

SEC. 11. A sum not exceeding two hundred dollars, for such inspection in any one year, is appropriated for the expenses thereof, payable upon the return of the quartermaster-general, approved by the commander-in-chief.

Appropriation for expenses of.

SEC. 12. Every commanding officer, when on duty, is hereby au-

Power to fix and guard limits of parade ground.

thorized to ascertain and fix necessary bounds and limits to his parade, not including any road on which people travel, so as to obstruct the same or prevent their passing for more than two consecutive hours, within which no person shall have a right to pass or enter, without leave from such commanding officer; and the commanding officer of any division, brigade, battalion, regiment, or company may put under guard every person who shall encroach upon the parade ground, and also every spectator or by-stander who shall abuse, molest, or strike any one when on parade or under arms.

Power to abate gambling and drinking booths, within three miles of encampment or training field.

SEC. 13. The mayor and aldermen of any city, the sheriff and deputy sheriffs of any county, the town sergeants and the constables of any town, or either of them, on complaint made to them under oath, that the complainant has reason to believe and does believe, that any booth, shed, or temporary erection, situated within three miles of any military encampment or training field, is used and occupied for the sale of spirituous or fermented liquors, or for the purpose of gaming for money or other property, shall, if they consider the complaint well founded, order the owner or occupant thereof to vacate and close the same immediately; and if the owner or occupant shall refuse or neglect so to do, the said mayor or aldermen, the sheriff or deputy sheriffs, town sergeants or constables or either of them, shall forthwith abate such booth, shed, or other temporary erection, as a nuisance, and pull down or otherwise destroy the same, in any manner they may choose, or through the agency of any force, civil or military, which they may see fit to employ.

Arms, not to be loaded, &c., on parade.

SEC. 14. No non-commissioned officer or private shall unnecessarily, or without orders from his superior officer, come on to any place of parade with his musket, rifle, or pistol loaded with balls, slugs, shot, or other dangerous substance, or shall so load the same while on parade.

Exemption from military duty on election days.

SEC. 15. No officer, non-commissioned officer, or private shall be compelled to do military duty on any day appointed for town, city, or ward meetings, or for the election of any civil officer, in the town or city in which he shall reside, unless it be in the case of invasion, insurrection, riot, or tumult threatened.

Power of companies to meet for drill, funerals, &c.

SEC. 16. Nothing herein contained shall be so construed as to prevent any company from meeting at any time for drill, funeral, or any other voluntary duty, or to impair the corporate privileges of any chartered company, or any lawful articles of agreement adopted by any company, so far as relates to those who have voluntarily signed the same, not inconsistent herewith.

Orders, by whom to be distributed.

SEC. 17. All general orders shall be distributed by the adjutant-general; all division orders, by the division inspector; all brigade orders, by the brigade major; all orders of a chartered company, by the adjutant; and company orders, by any non-commissioned officer or private, when required by the commanding officer: *Provided*, that if either of these officers shall be sick, absent, or unable to distribute such orders, or if either of such offices shall be vacant, the orders may be distributed by any other officer detailed for that purpose by the officer issuing the orders.

Commander-in-chief may order out militia.

SEC. 18. The commander-in-chief shall have power to order out the whole, or any part of the militia, as may seem to him expedient, for review, the performance of escort, and other duties.

Officers and privates, when exempt from arrest.

SEC. 19. No officer, non-commissioned officer, or private shall be arrested on any civil process on the day before or the day after or the day upon which, by his superior officer he shall have been ordered

to attend, for the election of any military officer, or the performance of any military duty.

CHAPTER 253.

OF ROLLS AND RETURNS.

SECTION

1. Company roll, and orderly book, by whom and how kept.
2. Return by commander of company, of military duty of members.
3. Report by inspectors, of men and arms of division and brigades.
4. Reports of adjutant-general.
- 5 and 6. Returns for pay of members, by commanders of companies to paymaster-general.

SECTION

7. Like returns by other officers.
8. Returns for pay by governor, officers of general staff, general officers of line, and treasurers of bands.
9. Returns for pay by commanders of companies and treasurers of bands, how to be made.
10. Blank forms for returns, how to be furnished and explained.

SECTION 1. A fair and correct roll of each company shall be kept by the adjutant, with the state of the arms and equipments belonging to each man ; and said officer shall keep an orderly book of all orders received or issued, and all accounts of all fines, from whom received, and when and for what cause.

Company roll and order book, how kept.

SEC. 2. Each commanding officer of a company shall, on or before the fifteenth day of November in each and every year, make out a fair and correct roll of his company, containing the christian name and surname of all the men belonging thereto, or to any volunteer corps attached thereto, alphabetically arranged, and which of said men had done military duty within the year, for one or more days, and on what days, and at what trainings ; and shall, on or before said fifteenth day of November, deliver the same to the brigade inspector of the brigade in whose limits said company is located.

Of return of military duty of members.

SEC. 3. The brigade inspectors shall make a report of the condition of their respective brigades to the division inspector, on or before the first day of December of each year, and the division inspector shall report to the adjutant-general the condition of the division, on or before the twentieth day of December in each year ; and such reports shall state the number of men inspected, to what companies, regiments, or brigades they belonged, and what was the kind, number, and quality of their arms and equipments of every nature, designating what part is the property of the state, and what the property of each officer, soldier, or company.

Report by inspectors of men and arms of division and brigades.

SEC. 4. The adjutant-general shall make duplicate abstracts of the active militia, one to be delivered to the commander-in-chief, who shall present the same to the general assembly, and the other to be delivered, in the month of January, to the major-general.

Reports of adjutant-general.

SEC. 5. Each commanding officer of a company shall make return for pay, under oath, to the paymaster-general, on or before the first Monday of January in each year, of the names of all persons borne on the rolls of his company who shall have been duly equipped and performed military duty in the field, according to law, and of all

Returns for pay of members by commanders of companies to paymaster-general.

horses used and employed in the militia for two or more days in the year preceding the return. The members of any volunteer company attached to his command shall not be included in such return.

Same subject.

SEC. 6. Such returns shall specify the number of days' regular service performed, and when more than two days in such year shall have been rendered, the additional duty shall not appear on such return unless it shall have been rendered by order of the governor. Such returns shall be approved by the brigade inspector of the brigade in which such service has been performed.

Like returns by other officers.

SEC. 7. Like returns for pay shall be made by the officers hereinafter authorized to make the same; and the words "with horse" shall be placed against the name of any officer, non-commissioned officer, or musician, who shall have been required to be mounted, and mounted while performing duty on the days for which such return shall be made.

Returns for pay, by governor, general officers of line, &c.

SEC. 8. Such returns for pay shall be made for the governor and his aids, by the governor; for the major-general and his staff, by the major-general; for the brigadier-generals commanding brigades, and their staffs, by each brigadier-general; and for the band, by its president or treasurer.

Returns for pay, by commanders of companies and treasurers of bands, how to be made.

SEC. 9. The commanding officer of each company shall include in his return the number of musicians by him employed, not exceeding two to each company, who shall have performed service with such company one or more days, not exceeding two, except for special service ordered by the governor. He shall also return the amount to be paid to the armorer of his company. The commanding officer of every artillery company shall state in his return the number of horses necessarily used by him for the draft of the pieces, caissons, or baggage wagons for which he is entitled to draw pay. The president or treasurer of the band will not return more than thirty musicians for pay, for services performed upon any one day.

Blank forms, how furnished and explained.

SEC. 10. The adjutant-general shall furnish blank forms of rolls, and of the various returns that may be required, at the expense of the state; and explain the principles on which they are to be made out; and the roll shall be kept as prescribed.

CHAPTER 254.

OF DRAFTS, AND CALLING THE MILITIA INTO SERVICE.

SECTION

1. Order for draft or levy in time of war, &c., by whom, and how, to be made and directed.
2. By whom, and how, to be executed.
3. Power of commander-in-chief and major-general to call out militia in time of war, &c., and troops in field in case of, how to be commanded.
4. Of subjection to articles of war,

SECTION

- and mode of drafting of men, and detail of officers.
5. Companies, drafts, &c., without officers, ordered to march, how to be commanded.
 6. Duty of officers and soldiers ordered to march.
 - 7 and 8. Power to call out militia in time of tumult, riot, &c., by whom, and how to be exercised.

SECTION 1. In case of war, invasion, threatened invasion, or insurrection, if the commander-in-chief shall deem it necessary to increase the active militia of this state, he shall have power to order a draft or levy to be made from the enrolled militia in any town or city, into any or all of the chartered companies thereof, of such number of men as he may judge the exigency of the case requires, or if there be no chartered company in such town or city, may order them into any of the chartered companies of the brigade, in the limits of which such town or city may be situated, directing his order therefor to the town council of the town, or to the mayor and aldermen of the city in which such draft is to be made.

Order for draft or levy in time of war, &c., by whom and how to be made and directed.

SEC. 2. Whenever such order is made and directed as aforesaid, it shall be the duty of the town council, or mayor and aldermen, to appoint a time and place of parade for the enrolled militia in each town or city, and to order them to appear at the time and place, either leaving a written notice or orally, and then and there proceed to draft as many thereof, or to accept as many volunteers, as is required by the commander-in-chief; and the mayor and aldermen, or town council, shall notify the commander-in-chief forthwith that they have performed the aforesaid duty.

By whom, and how to be executed.

SEC. 3. Whenever any invasion of the state, or any insurrection, riot, or tumult shall be made in any part of the state, the commander-in-chief shall call out the militia, or any part thereof, as he may deem expedient or necessary to suppress or repel the same; and he may order out the division, or any brigade, brigades, chartered companies, regiments, companies, or company, or any portions of the same, or cause any number of men to be detached or drafted from them, and cause officers to be detailed, which, with those attached to the troops, shall be sufficient to organize the forces; and if such invasion or insurrection, or any imminent danger thereof, be so sudden in any part of the state, that the commander-in-chief cannot be informed, and his orders received and executed in season to suppress or repel the same, the major-general may order out the division, or any part thereof, as the commander-in-chief might do; and whenever any troops are in the field for such purposes, the senior officer of such troops, present, shall command until the commander-in-chief, or some officer detailed by him, shall appear to take the command.

Power of commander-in-chief and major-general to call out militia in time of war, &c., and troops in field in case of, how to be commanded.

SEC. 4. Whenever the military force of this state, or any part thereof, shall be called into actual service, it shall be subject to the articles of war prescribed by congress for the government of the troops of the United States, or such other articles as shall be prescribed by the general assembly; and whenever any draft from the militia into the service of the United States shall be ordered, the non-commissioned officers and privates, except so many as shall voluntarily offer to serve, shall be drafted by lot from the company, and the officers detailed from the roll.

Of subjection to articles of war, and mode of drafting of men, and detail of officers.

SEC. 5. If any company without officers be ordered to march, or any draft or detachment therefrom ordered, the commanding officer of the regiment to which said company belongs shall detail some officer to command them, who shall have the same authority to command them to appear, and to command them in the field, and to make any draft or detachment therefrom, as though he were captain of said company, and shall have the same responsibility.

Companies, drafts, &c., without officers, ordered to march, how to be commanded.

SEC. 6. Every officer who, when ordered to march to the place of rendezvous, shall unnecessarily neglect to do so, or who shall otherwise disobey any lawful order, shall be punished as is hereinafter pro-

Duty of officers and soldiers ordered to march.

vided; and every soldier ordered out, drafted, or detached, who shall not appear at the time and place appointed, armed and equipped as commanded, shall be punished as hereinafter provided; and each non-commissioned officer and private shall take with him provisions for at least three days, when so ordered.

Power to call out militia in time of tumult, riot, &c., by whom and how to be exercised.

SEC. 7. Whenever in any county in this state there shall be any tumult, riot, mob, or any body of men acting together, with intent to commit felony, to offer violence to persons or property, or in any other way to resist the laws of the state by force of arms, or by violence, or whenever any of said acts shall be threatened, and the fact made to appear to the commander-in-chief, or to the sheriff of said county, or to either of the justices of the supreme court, or if in any city, to the mayor of such city, in the first instance, or in his absence, to the board of aldermen, the commander-in-chief shall issue his order, or such justice, sheriff, mayor, or board of aldermen shall issue his or their precept, properly signed, directing the commanding officer of the division, brigade, or chartered company, as the case may be, to order out his command, or any part of the same, to suppress such riot, tumult, or mob, and to prevent the perpetration of any such felony, or act of unlawful violence.

Same subject.

SEC. 8. The officer to whom any such order or precept shall be directed, as named in the foregoing section, shall forthwith order out the troops therein required, to parade at the time and place appointed; and if he shall refuse to obey such order or precept, or if any officer under his command shall refuse to obey an order issued under such order or precept, he shall be punishable as hereinafter in this title provided; and every non-commissioned officer or private who shall neglect or refuse to appear at the time and place of parade, or to obey any lawful order issued in such case, shall suffer the penalty hereinafter in this title provided.

CHAPTER 255.

OF EXEMPTIONS BY BODILY INFIRMITY, AND OF DISCHARGES.

SECTION

1. Duty of surgeons and physicians in granting certificates of inability for service.
2. Members of chartered companies, upon what certificate of inability, and by whom to be excused.
3. Honorable discharges of non-commissioned officers, privates, &c.
4. Of members of chartered companies.
5. By whom to be granted, and effect of.
6. Members of volunteer corps attached, excepted from.
7. Honorable discharges of commis-

SECTION

- sioned officers, when and by whom granted, and effect of.
- 8 and 9. Resignations of officers, how approved, certified, and allowed.
10. Power of commander-in-chief to revoke commissions.
11. Effect of revocation, if officer demands court-martial.
12. Duty to transmit demand to commander-in-chief, and his duty thereupon.
13. Power of commandants of chartered companies, battalions, &c., to revoke warrants of non-commissioned officers.

Duty of surgeons and phy-

SECTION 1. No surgeon or assistant surgeon, nor any physician shall take any gratuity whatsoever from any person for a certificate

of inability to perform military duty on account of bodily infirmity; and every surgeon or physician shall examine critically the cases of all applicants for such certificates, and shall not grant any certificate for bodily infirmity or inability, unless such infirmity or inability be, beyond all doubt, such as to render the applicant unable to perform military duty; and every surgeon or physician, who shall violate the provisions of this section, shall be liable to be punished as hereinafter provided.

sicians in granting certificates of inability for service.

SEC. 2. Whenever any regiment or chartered company may be without a surgeon or assistant surgeon, or whenever any person may claim to be exempt from military duty by reason of bodily infirmity or disability, and shall not reside within ten miles of the surgeon or assistant surgeon of the regiment, any respectable physician within said distance may grant him a certificate, subject to the restrictions contained in the preceding section; and the commanding officer of every company is authorized to exempt any person of his company from military duty on the presentation of such certificate from the surgeon or assistant surgeon, or a physician as aforesaid, either for a longer or shorter period, not exceeding one year, as in the judgment of the commanding officer the case may demand.

Members of chartered companies, upon what certificate, and by whom excused.

SEC. 3. Every non-commissioned officer, private, musician, and driver of any company, who shall have done duty therein according to law for the term of seven years, from the time of his enlistment, and shall have received an honorable discharge, shall not be compelled to do duty in the militia, except in time of war or invasion, or to prevent an invasion, or of insurrection, riot, or tumult.

Honorable discharges of non-commissioned officers, privates, &c.

SEC. 4. Discharges shall not be granted to any member of a chartered company unless such member shall have served five years in the active militia, or shall have received a military commission, or a certificate of disability from the surgeon of the company approved by the surgeon of his brigade, or shall be expelled by a vote of the company in accordance with its by-laws.

Of members of chartered companies.

SEC. 5. Such discharges, upon the completion of either of the terms of service aforesaid, when granted, shall be given by the commanding officer of the brigade, upon the application of the commanding officer of the company to which such private or non-commissioned officer may belong: *Provided*, that the governor may grant a discharge to any person in his discretion; and *provided* further, that any member of any company, at the expiration of the service of seven years mentioned in the third section of this chapter; or any commissioned officer who may have held a commission for five years, or been superseded without his consent in such commission, who shall not elect to retire from such company, shall be considered an active member of such company, liable to all the duties of other active members, until discharged therefrom in accordance with the provisions of the by-laws of such company.

By whom to be granted, and effect of.

SEC. 6. Nothing in the preceding three sections contained shall be construed to apply to the members of a volunteer corps raised and attached under the provisions of this title.

Exception of members of volunteer corps.

SEC. 7. Every officer who shall have holden any commission or commissions in the militia of this state during the term of five years in succession, and faithfully performed the duties of the same, shall be honorably discharged, on his application to the commander-in-chief, and shall forever after be exempt from the performance of military duty, except in time of war, invasion of, or insurrection, riot, or tumult within this state; and no officer shall be discharged, unless on his own application, or unless in cases hereinafter provided.

Honorable discharges of commissioned officers.

Resignations of officers, how approved.

SEC. 8. All resignations shall be in writing, and shall be approved and certified as follows: The resignation of the major-general, and of any officer attached to the governor's staff, shall be made to and approved by the commander-in-chief; the resignation of a brigadier-general, or of any officer attached to the staff of the major-general, shall be approved by the major-general; the resignation of a field-officer, and of any officer attached to the staff of the brigadier-general, shall be approved by the brigadier-general of the brigade to which such field or staff-officer belongs, and by the major-general; and the resignation of a captain or subaltern officer shall be approved by the commanding officer of the chartered company or regiment to which such captain or subaltern shall belong or be attached, and by the brigadier-general of his brigade, and by the major-general.

How certified and allowed.

SEC. 9. The major-general, brigadier-general, or commanding officer of a chartered company or regiment, who shall approve of any resignation aforesaid, shall certify the same, through his immediate superior, to the commander-in-chief, who shall have the power to allow or disallow thereof at his discretion; and no officer shall be considered as having resigned his commission unless the same shall have been approved and certified as aforesaid, and allowed by the commander-in-chief.

Of revocation of commission.

SEC. 10. The commander-in-chief may revoke and cancel the commission of any officer and discharge him from the service, in his discretion.

Effect of, if officer demands court-martial.

SEC. 11. Such revocation, cancellation, and discharge shall not be effectual, if within ten days after receiving notice thereof such officer shall demand of his immediate superior to be informed of the cause thereof, and to be tried by a court-martial.

Proceedings, if such demand made.

SEC. 12. If such demand be made, the officer on whom it is made shall transmit the same to the commander-in-chief, who shall give such officer the required information, and see that charges are duly preferred, and that a court-martial be convened to try the same.

Of revocation of warrants of non-commissioned officers.

SEC. 13. Commandants of chartered companies, battalions, and regiments are authorized, in their discretion, to revoke the warrant of any non-commissioned officer.

CHAPTER 256.

OF PAY.

SECTION

1. *Per diem* pay for field duty to men.
2. For horses.
- 3 and 4. For musicians.
5. For armorers.

SECTION

6. Pay in case militia ordered out by governor, and for how many days in each year to be made.
7. Pay, when to be made.
8. How to be drawn and made.

Per diem pay for field duty, to men.

SECTION 1. Each military organization, unless otherwise provided in this chapter, shall receive for every person legally enrolled in the militia of this state, who shall have performed field duty in each year, two dollars and fifty cents for each day's service performed.

For horses.

SEC. 2. There shall be paid to each general and staff-officer who shall be mounted, and to each member of a cavalry company, and to

each mounted officer, non-commissioned officer, and musician of each artillery company, for all horses used for the draft of pieces, caissons, or baggage wagons, three dollars per day for each horse necessarily used by them, or either of them, on field duty in each year, for each day's service such horse shall perform.

SEC. 3. There shall be paid to each infantry, rifle, and artillery company three dollars a day for each musician by them employed, not exceeding three to each company, who shall perform service with such company, for each day's service. For musicians of companies.

SEC. 4. There shall be paid to each musician of a band employed in any escort or other military duty ordered, three dollars per day for each musician so employed: *Provided*, that there shall not be more than one band to a brigade, and not more than thirty musicians to such band. For band.

SEC. 5. The armorer of every company shall be paid by the paymaster-general a sum not exceeding one hundred dollars annually, on the approval of the commanding officer of the company. For armorer.

SEC. 6. In case the militia, or any part thereof, shall be ordered out by the governor for escort or other duty, like payments shall be made for the duty so performed: *Provided*, that no payment shall be made to any individual of either of these classes for more than two days in each year, except for such additional day's service as the commander-in-chief may require to be performed. Pay, in case militia ordered out by governor.

SEC. 7. All payments prescribed in this chapter shall be made on or before the last day in the month of January in the year next succeeding the year in which such services were rendered. Pay, when to be made.

SEC. 8. The paymaster-general, upon receiving the returns for pay, shall forthwith draw from the general treasury a sum or sums adequate to pay for military services proved thereby, and pay the same to the respective officers who have made such returns. How to be drawn and made.

CHAPTER 257.

OF FINES AND PENALTIES.

SECTION

1. Offences of general, field, commissioned and staff-officers, and surgeons, penalties for, and how collected.
2. Imprisonment for, by what process, and how to be executed.
3. Offences of non-commissioned officers and privates, how punished; punishment how enforced.
4. Fine for non-attendance at brigade training, &c., what, and how recovered.
5. Neglect of non-commissioned officer or private to appear when drafted or ordered out in case of war, &c., how punished.
6. Neglect of town council to prepare and deliver roll, how.

SECTION

7. Neglect of town clerk to record and return roll to brigade inspector, how.
8. Persons refusing to give information for enrolment, how punished.
9. By-standers intruding upon parade grounds, how.
10. Physicians and surgeons taking gratuity for certificate of infirmity, &c., how.
11. Surgeons appointed to grant certificates of disability, and granting false ones, how.
12. Non-commissioned officers neglecting, &c., to make required returns or keep roll of company, how.

SECTION

13. Non-commissioned officers or privates, neglecting, &c., to appear at training, &c., how.
14. Fines incurred under last two sections, how collected, &c.

SECTION

15. Fines, penalties, &c., to whom to be paid, and what fund to constitute.
16. Payments from such fund, upon what requisitions, &c., to be made.

Offences of commissioned officers, penalties for, and how collected.

SECTION 1. All offences committed by general, field, commissioned and staff-officers and surgeons, whether consisting in disobedience of orders, or unofficer-like conduct while on duty, or during any day appropriated to military exercise, inspection, or review, or in neglect or violation of any duty imposed upon them by law as officers of the militia, and whether committed in times of quiet, or of invasion, insurrection, riot, or tumult, shall be punished by courts-martial, according to the usage and practice of war, by a fine not exceeding five hundred dollars, nor less than twenty dollars; by imprisonment not exceeding six months; cashiering with or without disability of ever after holding any military office in the state; or reprimand; either or all, with costs, at the discretion of the court; such fines and costs to be collected for the use of the state, by warrant of distress, under the hand and seal of the president of the court-martial imposing the same, directed to the sheriff of the county in which the convicted officer shall reside, who shall pay over the fine so collected to the paymaster-general.

Imprisonment for, by what process and how executed.

SEC. 2. The president of the court-martial which shall impose upon any officer the penalty of imprisonment, shall by a mittimus, in common form, under his hand and seal, have power to commit the convicted officer to the jail of the county in which he shall reside, for the term of his sentence; and all sheriffs, deputy sheriffs, and jailers are directed to govern themselves accordingly.

Offences of non-commissioned officers and privates, how punished; punishment, how enforced.

SEC. 3. Every non-commissioned officer or private of a chartered company, or of a volunteer corps attached thereto, who shall, while under arms or on duty, behave himself with contempt of any officer, disobey any order, or who shall conduct in a disorderly manner, join in or excite any riot or tumult, or appear in any fantastical dress, or with other arms or accoutrements than what the law requires, or who shall be guilty of any other unsoldierly conduct, shall be put under guard by the officer commanding the field, or by his order, for a time not exceeding the time the troops shall be under arms, and shall, in addition thereto, be liable to a fine of twenty dollars, to be recovered by complaint and warrant before any justice court, one half thereof to and for the use of the complainant, and the other half to and for the use of the state, or be imprisoned, at the discretion of the court trying such offender, not exceeding ten days.

Fine for non-attendance at brigade training, &c., what, and how recovered.

SEC. 4. The fine for non-attendance at any brigade training, and at any encampment ordered by the major-general, or other duty ordered by the commander-in-chief, shall be six dollars, to be recovered in manner aforesaid; but no fine for non-attendance at the brigade training shall be imposed upon or recovered from any officer or private of a volunteer corps attached to a chartered company or regiment for the purpose of such training.

Neglect of non-commissioned officer or private to appear when ordered

SEC. 5. In case of war, invasion, threatened invasion, insurrection, mobs, riot, or tumult, every militia soldier below the rank of a commissioned officer ordered out, volunteered, detached, or drafted, who shall neglect to appear at the time and place designated by his com-

manding officer, or in case of the enrolled militia, at the time and place designated by the town council or mayor and aldermen, or to place himself under the command of the officers of the chartered company into which he may have been drafted or have volunteered, shall forfeit the sum of one hundred dollars, or be imprisoned three months, either or both, at the discretion of the court who shall try such offender; such punishment to be enforced by indictment or other criminal process proper to the court in any court of competent jurisdiction in the county in which the offender may reside; or in time of actual war he may be otherwise dealt with, as the articles of war then established may direct.

SEC. 6. Every town council who shall neglect or refuse in due time to perform the duty of preparing a list or roll of all persons liable to be enrolled in the militia within the limits of the town, or of placing the same in due time in the hands of the town clerk of such town, for record and return, shall be individually liable for every such refusal or neglect, to the penalty of fifty dollars, to be recovered by indictment, or other criminal process, in any court of competent jurisdiction in the county in which the offence may be committed.

SEC. 7. Every town clerk who shall refuse or neglect to record such list or roll of names, or to make due return of the same to the brigade inspector, shall, for every such refusal or neglect, be liable to the penalty of fifty dollars, to be recovered by indictment or other criminal process as aforesaid.

SEC. 8. Whenever information is required by persons lawfully ordered or authorized to make enrolment of those liable to do military duty, or by those acting under them, every person refusing to give information of his name or age, or giving false information concerning the same; and every keeper of a tavern or boarding-house, every parent, master, or mistress of a family, refusing to give the required information, or giving false information, shall forfeit and pay twenty dollars, to be recovered by complaint and warrant, for the use of the state, before any justice court in the county in which such offence may be committed.

SEC. 9. Every spectator or by-stander who shall intrude upon the bounds and limits of parades shall pay the sum of ten dollars, to be recovered upon complaint of the officer in command at the time of such intrusion, by ordinary complaint and warrant before a justice court, to and for the use of the state.

SEC. 10. Every physician, surgeon, or assistant surgeon who shall take any gratuity whatsoever from any person, for a certificate for inability to perform military duty, on account of bodily infirmities, or shall grant any such certificate, unless after critical examination, and unless such infirmity or inability be beyond all doubt such as to render the applicant unable to perform military duty, shall be fined fifty dollars.

SEC. 11. Every surgeon appointed to grant certificates of disability to persons who have been enrolled as a part of the militia of the state, and who are incapable of performing military duty, who shall for any corrupt consideration, or from favor or hope of reward, grant any false certificate of disability, shall be fined not more than five hundred dollars, and be imprisoned not more than one year.

SEC. 12. Every non-commissioned officer who shall neglect or refuse to make any return required of him, or who shall neglect to keep a complete roll of the company to which he belongs, if it is his duty so to do, shall have his warrant revoked, and shall be fined not exceeding ten dollars.

out, &c., in case of war, &c., how punished.

Neglect of town council to prepare and deliver roll, how.

Neglect of town clerk to record, &c., roll, how.

Persons refusing to give information for enrolment, how punished.

By-standers intruding upon parade grounds, how.

Physicians and surgeons, taking gratuity for certificate of infirmity, &c., how.

Surgeons appointed to grant, and granting false ones, how.

Non-commissioned officers, neglecting, &c., to make returns or keep roll, how.

Non-commissioned officer or private, neglecting, &c., to appear at training, &c., how.

Fines incurred under last two sections, how collected, &c.

SEC. 13. Every non-commissioned officer or private who shall neglect or refuse to appear at any company or regimental training, or to perform any other parade, escort, or field duty when legally required so to do, shall be fined not less than two dollars, nor more than five dollars.

SEC. 14. For all fines incurred under the provisions of the two sections next preceding, the commanding officer of each company shall, within five days after the penalty has been incurred, notify the delinquent of the amount of the fine to which he has made himself liable, and if such delinquent shall fail to excuse himself to the satisfaction of the commanding officer within five days after such notice is given, then the commanding officer shall issue his warrant and deliver it into the hands of the sheriff, his deputy, or any town sergeant or constable in the town in which such delinquent resides, who are hereby required to execute the same. Such warrant may be levied on the goods and chattels of the delinquent, and for want thereof, upon his body, in which case the officer shall commit him to jail, there to be kept until such fine, with lawful fees for warrant and service, and jail fees, be paid, not exceeding, however, a period of ten days.

Fines, &c., to whom paid, and what fund to constitute.

SEC. 15. All fines, penalties, and forfeitures collected in pursuance of this chapter under any of its provisions shall be paid to the paymaster-general, except those incurred for breach of orders of company officers, or the by-laws of a company, and shall constitute a military fund to be disbursed for military purposes only.

Payments from fund, how, &c., made.

SEC. 16. No moneys shall be paid out of such fund, except upon accounts, requisitions, or rolls duly prepared and certified by one of the brigadier-generals commanding brigades, or by the major-general, approved by the adjutant-general and the governor.

CHAPTER 258.

OF COURTS-MARTIAL.

SECTION

1. General, field, commission, and staff-officers, to be tried by courts-martial, and courts for, how in general, to be composed.
2. Courts-martial, by whom to be ordered in different cases.
3. Judge advocate, and duty of.
4. Order for court-martial, what shall designate.
5. Form of order for by commander-in-chief.
6. Form, when ordered by major-general.
7. Form, when ordered by brigadier-general.
8. Notice for general court-martial, how given and reported.

SECTION

9. For division court-martial, how.
10. For brigade court-martial, how.
11. General officer tried, when and by whom to be furnished with copy of order and charges.
12. If under field-officer, when and by whom.
13. Witnesses in courts-martial, by whom and how summoned.
14. Charges, how made, signed, and addressed.
15. Members of court to appear in uniform, and form of oath of, and this, and other oaths how administered.
16. Judge advocate, how appointed, form of oath of, and how administered and certified.

SECTION

- 17. Of objection to members of court, and vacancies in, how supplied.
- 18. Concurrence of votes and approval, necessary to effect of sentence of.
- 19. Penalty upon officer under arrest, for neglect to appear before court, when ordered.
- 20. Sentence of, by what process enforced, in case president of court die, be discharged, or promoted.
- 21. Contempt of process by witnesses, how to be punished.

SECTION

- 22. Fees and expenses of witnesses of state, how allowed and paid.
- 23. How collected of delinquent under sentence.
- 24. Fees, and expenses of members and officers, what and how to be paid.
- 25. Of judge advocate for recording and copying, what and how paid.
- 26. Power of commander-in-chief over sentences of courts-martial, and records of, where to be deposited.

SECTION 1. General, field, commission and staff-officers shall be subject to trial by court-martial, according to the usage and practice of war, for disobedience of orders, unofficer-like conduct while on duty, or during any day appropriated to military exercise, inspection, and review, and for neglect and violation of any duty imposed upon them by law as officers of the militia; which court-martial shall consist of not less than five, nor more than seven members, and the senior officer, who shall always be of a rank superior to that of the officer on trial, shall preside.

General, field, commission, and staff-officers, to be tried by court-martial; court, how composed.

SEC. 2. The court-martial for the trial of an officer under the grade of a field-officer shall be appointed by the commanding officer of the brigade to which he belongs; for the trial of an officer of the grade of field-officer, by the commanding officer of the division, and for the trial of a general officer, by the commander-in-chief.

Courts-martial, by whom to be ordered in different cases.

SEC. 3. In every court-martial there shall be a judge advocate, who shall discharge the duties of that office according to the usage and practice of courts-martial; and no other person shall be admitted to prosecute an arrested officer.

Judge advocate, and duty of.

SEC. 4. Whenever a court-martial shall be ordered, the order shall designate the time and place of holding the same, the name of the officer to preside, and the names and ranks of the other officers of which the court is to be composed.

Order for court-martial, what shall designate.

SEC. 5. If the court shall be ordered by the commander-in-chief, the order shall be as follows, to wit:—

Form of order for, by commander-in-chief.

State of Rhode Island and Providence Plantations.

GENERAL ORDERS.

A general court-martial is ordered to assemble at _____ on the _____ day of _____ A. D. _____ for the trial of such persons as may be brought before them, to consist of _____ members to be taken from the division, to wit: the major-general brigadier-general or generals, _____ colonel or colonels, lieutenant-colonel or colonels. Major-general _____ will preside. The adjutant of the _____ regimental company or regiment will furnish an orderly sergeant, to attend and execute the orders of the court. (To be signed by the commander-in-chief, or by the adjutant-general by his order.)

SEC. 6. If a court-martial be ordered by the major-general, the orders shall be as follows, to wit:

Form, when ordered by major-general.

State of Rhode Island and Providence Plantations.

DIVISION ORDERS.

A general court-martial of the division will assemble at _____ on the _____ day of _____ A. D. for the trial of such persons as may be brought before them, to consist of _____ members, to wit : _____ brigadier-general or generals, colonel or colonels, _____ lieutenant-colonel or colonels, major or majors. Brigadier-general _____ will preside. The adjutant of the _____ company or regiment will furnish an orderly sergeant, to attend and execute the orders of the court. (To be signed by the major-general, or by the division inspector by his order.)

Form, when ordered by brigadier-general.

SEC. 7. If the court be ordered by a brigadier-general, the orders shall be as follows, to wit :—

State of Rhode Island and Providence Plantations.

BRIGADE ORDERS FOR THE BRIGADE OF RHODE ISLAND MILITIA.

A general court-martial for the _____ brigade will assemble at _____ on the _____ day of _____ A. D. for the trial of such persons as shall be brought before them, to consist of _____ members, to wit : _____ colonels, lieutenant-colonels, _____ majors, (and if any,) captains, _____ subalterns. Colonel _____ will preside. The adjutant of _____ company or regiment will furnish an orderly sergeant, to attend and execute the orders of the court. (To be signed by the brigadier-general, or the brigade-major by his order.)

Notice for general court-martial, how given and reported.

SEC. 8. For a general court-martial, the adjutant-general shall notify all general officers, and give notice of the other officers detailed to the division inspector or brigade majors, who shall notify such officers, and make return thereof to the adjutant-general.

For division court-martial, how.

SEC. 9. In a division court-martial, the division inspector or an aid-de-camp, under the direction of the major-general, shall notify the general officers, and give notice of the other officers detailed to the respective brigade majors, who shall notify the field-officers required, of their brigades, and make returns thereof to the major-general.

For brigade court-martial, how.

SEC. 10. For a brigade court-martial, the brigade major shall notify the field-officers required to serve on such court-martial, and notify the respective adjutants of the other officers detailed; and the adjutant of each chartered company or regiment shall notify them, and make return thereof to the brigade major.

General officer tried, when and by whom furnished with copy of order and charges.

SEC. 11. If the officer to be tried be a general officer, he shall be furnished with a copy of the order for such court, and a copy of the charges against him, by the adjutant-general, or by the division inspector, or by a brigade inspector, as the commander-in-chief shall direct, twenty days before the sitting of such court, who shall make return thereof, with the names of the officers of such court.

If under field-officer, when and by whom.

SEC. 12. If the officer to be tried be under the rank of a field-officer, he shall be furnished with like copies, twenty days before the sitting of the said court, by a brigade major or inspector, or by the adjutant of the chartered company or regiment to which he belongs, or to which, if an officer of a volunteer corps, his corps is attached, as

the officer ordering the court-martial shall direct; who shall return the same, and the names of the officers composing the court, to the judge advocate of the court.

SEC. 13. The said judge advocate shall summon or cause to be summoned such witnesses on the part of the state as may be necessary, by subpoena signed by the officer ordering the court, or by the president thereof, or by said judge advocate; and the accused shall be entitled to like process to procure the attendance of his witnesses; which process shall be served by the judge advocate, or by any disinterested person deputed by him.

Witnesses in courts-martial, by whom and how summoned.

SEC. 14. All charges shall be made out in due form, by way of complaint, and signed by the party complaining, and addressed to the officer whose duty it is to order the court, specifying the act or neglect of which the accused is supposed to be guilty, and praying due process, before said officer shall order a court-martial for the trial of the officer accused.

Charges, how made, signed, and addressed.

SEC. 15. The members of the court shall appear in full uniform, and before they enter upon the trial of any person accused shall take the following oath, to wit: "You swear (or affirm) that you will truly try and determine, according to the evidence given in court, the matter depending between this state and the officer (or officers) now to be tried; and that you will not divulge the sentence of the court until the same has been approved or disapproved pursuant to law; and that you will not, at any time, disclose the vote or opinion of any member of the court, unless required to do so in due course of law. So help you God;" (or this affirmation you make and give upon the peril of the penalty of perjury;) and the foregoing oath shall be administered by the judge advocate; but all other oaths, which it may be necessary to administer during the continuance of the court, may be administered either by him or any general or field-officer.

Members of court to appear in uniform, and form of oath of, and this and other oaths how administered.

SEC. 16. There shall be appointed by the officer ordering the court-martial a judge advocate for each court-martial, who shall perform all the duties of that office, and who shall take the following oath, to wit: "You swear (or affirm) that you will not, at any time whatever, disclose the vote or opinion of any member of this court-martial, unless required by due course of law, nor divulge the sentence of the court till the same has been approved or disapproved according to law; and that you will faithfully and impartially discharge the duty of judge advocate, according to the best of your abilities. So help you God;" (or this affirmation you make and give upon the peril of the penalty of perjury;) and said oath may be administered by a judge of any court, or any justice of the peace in the state; and a certificate thereof shall be made on the warrant of the judge advocate by the person administering the oath.

Judge advocate, how appointed, form of oath of, and how administered and certified.

SEC. 17. If, on trial, the accused shall object to any one or more members of the court, he shall state the ground of his objection, and if it appear to the court sufficient, the member or members objected to shall leave their seats; and if the number remaining be less than five, the court shall be adjourned for a reasonable time, that the officer ordering the court may detail others to supply the place or places vacated by such member or members.

Of objection to members of court, and vacancies in, how supplied.

SEC. 18. No sentence of a court-martial shall be carried into effect, unless passed by the concurrent vote of two thirds of the court, and approved by the commander-in-chief.

Requisites to effect sentence.

SEC. 19. In case an officer under arrest shall refuse or neglect to attend a court-martial, according to orders and notice given him, he

Penalty upon officer under arrest, for neg-

lect to appear before court when ordered.

shall by such court be sentenced to pay a fine not exceeding two hundred dollars, and be cashiered, with disability of ever after holding any military office in the state, unless he be prevented from attending such court-martial by reason of sickness or some other reasonable cause; in which case the court shall have power to adjourn, and notice thereof shall be given to the arrested officer, by the judge advocate, at least ten days before the day to which the court shall have been adjourned.

Sentence of, how enforced, in case of death, &c., of president of court.

SEC. 20. In all cases in which a fine and costs or imprisonment shall be awarded by court-martial, and the sentence of such court shall be approved by the commander-in-chief, and the president of such court shall die, be discharged, or promoted, without having issued a warrant of distress or mittimus for such fine and costs or imprisonment, it shall be the duty of the member of such court next in rank to such president to issue such warrant or mittimus.

Contempt of process by witnesses, how punished.

SEC. 21. If any witness duly summoned shall refuse to obey such summons, he shall be committed to the jail in the county in which he resides, by a warrant from the president of the court, directed to the sheriff, or a deputy sheriff of such county, there to be held at his own expense until he will conform, and give evidence in the case, or until discharged by due course of law.

Fees of witnesses of state, how allowed and paid.

SEC. 22. All witnesses summoned on the part of the state, and the judge advocate or other person for summoning them, shall, for travel and attendance, have the same fees that are allowed in civil causes, to be taxed by the president of the court; expenses shall be paid to the judge advocate by the state, and when received by him, be paid over to the persons to whom they are due.

How collected of delinquent.

SEC. 23. If the sentence of the court be against the accused, and the same shall be approved by the commander-in-chief, the said expenses shall, by warrant under the hand and seal of the president of the court, directed in the manner aforesaid, be collected of the delinquent, and paid to the paymaster-general.

Fees and expenses of members and officers.

SEC. 24. The members and officers of such court shall be allowed eight cents per mile travel to and from the place of holding such court, and one dollar for each day during its sitting; and there shall be allowed to the person in whose house such court shall be held, not exceeding two dollars per day, in full of all expenses for room rent, fuel, and lights; which shall be paid from the state treasury.

Of judge advocate.

SEC. 25. The judge advocate shall be allowed twenty-five cents for each legal page of the copy of the proceedings and records of the court-martial, to be taxed and paid in the same manner.

Power of commander-in-chief over sentences; records, where to be deposited.

SEC. 26. The commander-in-chief shall have power to approve or disapprove all sentences passed by courts-martial, and mitigate or remit any punishment or punishments awarded by them, or any part thereof; and the record of all proceedings and sentences of courts-martial, and of the approval, mitigation, or remission by the commander-in-chief, shall be deposited by the respective judge advocates in the office of the adjutant-general.

CHAPTER 259.

OF BOARDS OF OFFICERS AND COURTS OF INQUIRY.

SECTION

1. Boards of officers, when and by whom to be ordered.
2. Courts of inquiry, how composed, ordered, organized, and regulated, and duty of.
3. Vacancies in, how filled.
4. Oath of members and judge advocate of, and how administered.
5. Witnesses before, how summoned and examined; court empow-

SECTION

- ered to give opinion on merits of case, when.
6. Of record, authentication, and transmission of record of proceedings in.
7. Pay of members and officers of.
8. Power of commander-in-chief to issue orders and establish rules and regulations for militia service.

SECTION 1. The commander-in-chief, whenever in his opinion it shall be necessary, may call boards of officers, for settling military questions, or for other purposes relative to good order and discipline.

Of ordering boards of officers.

SEC. 2. General, division, and brigade courts of inquiry shall consist of three officers, and a judge advocate, to be appointed by the commander-in-chief; and they may be ordered and organized in the like manner as courts-martial, and under the same regulations, may examine into the nature of any transaction, or any imputation or accusation against any officer, made by an inferior.

Courts of inquiry, how composed, and powers, &c., of.

SEC. 3. All vacancies shall be filled as in courts-martial.

Vacancies, how filled.

SEC. 4. The judge advocate shall administer to each of the officers composing a court of inquiry, the following oaths or affirmations:—

Oath of members and judge advocate of, and how administered.

You, A. B., do swear (or affirm) that you will well and truly examine and inquire into the matter now before you, without fear, favor, partiality, prejudice, or hope of reward. So help you God (or, this affirmation you make and give upon the penalty of perjury).

After which, the president shall administer to the judge advocate the following oath:—

You, A. B., do swear that you will impartially record the proceedings of the court, and the evidence to be given in the case now in hearing; so help you God (or, this affirmation you make and give upon the penalty of perjury).

SEC. 5. Witnesses shall be summoned in the same manner, take the same oath, and be examined and cross-examined by the parties in the same way as on trials before courts-martial, but the court shall not give their opinions on the merits of the case unless specially required so to do.

Of examination of witnesses before, &c.

SEC. 6. All the proceedings therein shall be recorded, and with the papers and documents used therein, authenticated and transmitted by the judge advocate to the officer who ordered the court.

Of recording, &c., proceedings of.

SEC. 7. The pay and fees of boards of officers and courts of inquiry shall be the same as in courts-martial.

Pay of members and officers of.

SEC. 8. The commander-in-chief is authorized to issue such orders, and establish such rules and regulations, not inconsistent with this title and the laws of this state, as he may deem necessary to carry into effect and perfect the system established by this title.

Power of commander-in-chief to establish rules and regulations for militia service.

Such orders, rules, and regulations shall have the same force and authority as if a part of this title.

TITLE XXXV

OF THE GENERAL STATUTES, AND THE REPEAL OF STATUTES THEREIN REVISED AND ARRANGED.

CHAPTER 260. Of the General Statutes.

CHAPTER 261. Of the repeal of statutes herein revised and arranged.

CHAPTER 260.

OF THE GENERAL STATUTES.

SECTION

1. When to go into operation.
2. What statutes in to be deemed in force from time of first enactment.

SECTION

3. What English statutes in force.
4. General Statutes, how to be designated and cited.

When to go into operation.

SECTION 1. The provisions contained in the preceding chapters shall take effect and go into operation on and after the second day of December, in the year eighteen hundred and seventy-two, unless otherwise therein expressly provided.

What statutes in to be deemed in force from time of first enactment.

SEC. 2. Such, and so much of the statutes contained in this revision as remain in substance the same as before the revision, shall be deemed and taken to have continued in force from the time of their first enactment, and as if this revision had not been made.

What English statutes in force.

SEC. 3. In all cases in which provision is not made herein, such English statutes, introduced before the Declaration of Independence, which have continued to be practised under, as in force in this state, shall be deemed and taken as a part of the common law thereof, and remain in force until otherwise specially provided.

General Statutes, how to be designated and cited.

SEC. 4. The statutes consolidated and arranged in this revision shall not, in any citation or enumeration of the statutes, be deemed and taken as statutes of the present political year; but in all citations thereof may be designated as the General Statutes, adding to the citation, when necessary, the number of the chapter and of the section.

CHAPTER 261.

OF THE REPEAL OF STATUTES HEREIN REVISED AND ARRANGED.

SECTION

1. Repeal of acts and parts of acts repugnant to revision, from what time to take effect.

SECTION

2. Operation of repealed acts prolonged, when.
3. Effect of repeal upon acts done,

SECTION

rights accruing or accrued, and suits or proceedings in civil cases, before repeal.

- 4. Effect of upon offences committed, and penalties and forfeitures incurred before repeal.
- 5. Effect of, upon suits and prosecutions pending at time of repeal, for offences committed, and penalties and forfeitures incurred before repeal.
- 6. Effect of, upon officers whose offices are not abolished, &c.
- 7 and 8. Effect of, upon acts repealing former acts.

SECTION

- 9. Effect of reference to, and adoption by General Statutes of act or part of act repealed, abrogated, or modified by General Statutes.
- 10. Effect of repeal of limitation acts, &c., upon time which has begun to run, when limitation is retained in General Statutes.
- 11. Revised Statutes of 1857, repealed by General Statutes.
- 12. Enumeration of statutes passed since the publication of the Revised Statutes of 1857, repealed by General Statutes.

SECTION 1. All acts and parts of acts, the subjects whereof are revised and reenacted in this revision, or which are repugnant to the provisions therein contained, shall be repealed on and after the second day of December, in the year eighteen hundred and seventy-two, with the exceptions and limitations hereinafter expressed.

Repeal of acts repugnant to revision, when to take effect.

SEC. 2. In cases in which any provisions of the General Statutes are made to go into operation at any time after the second day of December, in the year eighteen hundred and seventy-two, the corresponding provisions, if any, of the repealed statutes shall continue in force until such new provisions shall go into operation, except so far as may be in said General Statutes otherwise expressly provided.

Operation of repealed acts prolonged, when.

SEC. 3. The repeal of the acts hereinbefore referred to, or hereinafter enumerated, shall not affect any act done, or any right accruing or accrued, or acquired or established, or remedy for any injury thereto, or any suit or proceeding had or commenced in any civil case, before the time when such repeal shall take effect; but the proceedings in every such case shall be conformed, when necessary, to the provisions of the General Statutes.

Effect of repeal upon acts done, rights accrued, &c., and proceedings in civil cases before repeal.

SEC. 4. No offence committed, and no penalty or forfeiture incurred under any of the acts hereby repealed, and before the time when such repeal shall take effect, shall be effected by the repeal, except that when any punishment, penalty, or forfeiture shall be mitigated by the provisions of the General Statutes, such provisions may be extended and applied to any judgment to be pronounced after the said repeal.

Effect of, upon offences committed, and penalties, &c., incurred before repeal.

SEC. 5. No suit or prosecution, pending at the time of the said repeal, for any offence committed, or for the recovery of any penalty or forfeiture incurred, under any of the acts hereby repealed, shall be affected by such repeal, except that the proceedings in such suit or prosecution shall be conformed, when necessary, to the provisions of the General Statutes.

Upon prosecutions, &c., pending at time of repeal.

SEC. 6. All persons who, at the time when the said repeal shall take effect, shall hold any office under the acts hereby repealed, shall continue to hold the same under the tenure thereof, except those offices which have been abolished, and those as to which a different provision shall have been made by the General Statutes.

Upon officers whose offices are not abolished.

SEC. 7. No act which has been heretofore repealed shall be revived by the repeal contained in this chapter of any of the acts hereby repealed.

Upon acts repealing former acts.

Same subject.

SEC. 8. The repeal in this chapter of any statute or part of a statute heretofore repealed, shall not be construed as a declaration or implication that such statute or part of a statute has been in force at any time subsequent to such first repeal.

Effect of reference to and adoption by General Statutes of acts repealed, &c., by same.

SEC. 9. When any statute not herein repealed refers to and adopts any statute or part of a statute which is herein repealed, or any provision or rule of law which is abrogated or modified by the General Statutes, such statute or part of a statute, or provision or rule of law so referred to and adopted, shall not be deemed repealed by the provisions of this chapter; but shall be in force only so far as the same shall have been so adopted, and for no other purpose, and so far only as not repugnant to or inconsistent with the provisions of the General Statutes.

Effect of limitation acts, &c., retained in Revised Statutes.

SEC. 10. In any case where a limitation or period of time prescribed in any of the acts repealed by this chapter, for the acquiring of any right, or the barring of any remedy, or for any other purpose, shall have begun to run, and the same or any similar limitation is prescribed in the General Statutes, the time of limitation shall continue to run, and shall have the like effect, as if the whole period had begun and ended under the operation of the General Statutes.

Revised Statutes of 1857 repealed by General Statutes.

SEC. 11. The act entitled the Revised Statutes of the State of Rhode Island and Providence Plantations, passed at the January session, A. D. 1857, of the general assembly, containing titles numbered from I to XXXV, both inclusive, and chapters numbered from one to two hundred and forty-six, both inclusive, is hereby repealed, subject to the provisions contained in the preceding sections of this chapter.

Enumeration of statutes repealed by General Statutes.

SEC. 12. All the statutes hereinafter mentioned, described, and entitled, and passed since the publication of the Revised Statutes of 1857, are hereby repealed, subject to the provisions contained in the preceding sections of this chapter; that is to say:—

Acts passed May session, 1857.

CHAP. 250. An act to abolish the September term of the court of common pleas, in and for the county of Providence.

Acts passed January session, 1858.

CHAP. 253. An act relative to Kelly's Bridge in Warren.

CHAP. 257. An act in addition to chapter 97, title XVI, of the Revised Statutes, "of private and several oyster fisheries."

CHAP. 259. An act in amendment of chapter 146, title XXII, of the Revised Statutes, "of the conveyance of real estate."

CHAP. 260. An act in amendment of title XII, chapter 47, of the Revised Statutes, "of appropriations for the education of indigent blind, deaf and dumb, idiot, and imbecile persons."

CHAP. 262. An act in addition to title XVII, chapter 111, of the Revised Statutes, "of the inspection and sale of certain merchandise."

CHAP. 264. An act in amendment of chapter 127, title XIX, of the Revised Statutes, "of returns of banks and institutions for savings."

CHAP. 265. An act in addition to title XVI, chapter 98, of the Revised Statutes, "of certain fisheries."

CHAP. 266. An act in amendment of title XIX, chapter 128, sections 11 and 12, of the Revised Statutes, "of manufacturing corporations."

CHAP. 267. An act in amendment of title III, chapter 12, section 3, of the Revised Statutes, "of the revenue of the state."

CHAP. 268. An act in amendment of title XXVIII, chapter 195, section 11, of the Revised Statutes, "of the serving of executions."

CHAP. 269. An act in amendment of, and in addition to, title XXX, chapter 218, of the Revised Statutes, "of offences against public policy."

CHAP. 272. An act in amendment of title XIX, chapter 130, of the Revised Statutes, "of railroad corporations."

CHAP. 273. An act relative to banks and institutions for savings, in repeal of title XIX, chapter 126, of the Revised Statutes.

CHAP. 276. An act in amendment of title XXV, chapter 165, section 16, of the Revised Statutes, "of the court of common pleas."

CHAP. 277. An act in amendment of title XXXIII, chapter 230, section 3, of the Revised Statutes, "of fees and costs in certain cases."

CHAP. 278. An act in amendment of title XIX, chapter 130, of the Revised Statutes, "of railroad corporations."

CHAP. 279. An act in addition to, and in amendment of title XXVIII, chapter 200, of the Revised Statutes, "of the relief of insolvents."

CHAP. 282. An act in addition to title XIV of the Revised Statutes, "of internal police."

CHAP. 283. An act in addition to, and in amendment of title V, chapter 19, of the Revised Statutes, "of the secretary of state;" and of title XXV chapters 164 and 168, of the Revised Statutes, "of the judiciary and its officers."

Acts passed May session, 1858.

CHAP. 287. An act establishing the salaries of the clerk of the supreme court and the clerk of the court of common pleas in the county of Bristol.

CHAP. 288. An act in amendment of title XVIII, chapter 117, of the Revised Statutes, "of auctioneers."

Acts passed January session, 1859.

CHAP. 289. An act in relation to the arrangement and passage of the public laws.

CHAP. 291. An act in amendment of chapter 69 of the Revised Statutes, "of the normal school, teachers' institutes, and lectures."

CHAP. 292. An act to amend chapter 187, section 34, of the Revised Statutes, "of views, witnesses, depositions, and evidence."

CHAP. 294. An act in addition to chapter 34 of the Revised Statutes, "of the town council."

CHAP. 295. An act in relation to trustees under mortgages of railroad corporations.

CHAP. 296. An act to amend chapter 183 of the Revised Statutes, "of foreign attachments."

CHAP. 297. An act in addition to chapter 17 of the Revised Statutes, "of the state auditor and of returns to him."

CHAP. 298. An act in amendment of chapter 138 of the Revised Statutes, "of guardian and ward."

CHAP. 299. An act in amendment of chapter 273, entitled "An act relative to banks and institutions for savings, in repeal of title XIX, chapter 126, of the Revised Statutes."

CHAP. 300. An act in amendment of chapter 264, passed at the January session, A. D. 1858, entitled "An act in amendment of chapter 127, title XIX, of the Revised Statutes, 'of returns of banks and institutions for savings.'"

CHAP. 301. An act in amendment of chapter 273, entitled "An act relative to banks and institutions for savings, in repeal of title XIX, chapter 126, of the Revised Statutes."

CHAP. 302. An act in amendment of chapter 273 of the public laws, entitled

"An act relative to banks and institutions for savings, in repeal of title XIX, chapter 126, of the Revised Statutes.

CHAP. 303. An act in addition to chapter 211 of the Revised Statutes, "of offences against public justice."

CHAP. 304. An act in addition to chapter 164 of the Revised Statutes, "of the supreme court."

CHAP. 305. An act in addition to chapter 150 of the Revised Statutes, "of the lien of mechanics."

CHAP. 306. An act in amendment of chapter 179 of the Revised Statutes, "of the plaintiff's surety and the service of writs."

CHAP. 307. An act in amendment of chapter 79 of the Revised Statutes, "of shows and exhibitions."

CHAP. 308. An act in addition to chapter 287, entitled "An act establishing the salaries of the clerk of the supreme court and the clerk of the court of common pleas in the county of Bristol."

CHAP. 309. An act in amendment of, and in addition to chapter 123, of the Revised Statutes, "of weights and measures."

CHAP. 310. An act in addition to chapter 44 of the Revised Statutes, "of repairing highways and bridges."

CHAP. 311. An act in amendment of chapter 96 of the Revised Statutes, "of free and common oyster fisheries."

CHAP. 314. An act in amendment of, and in addition to chapter 129 of the Revised Statutes, "of insurance companies."

CHAP. 315. An act in amendment of chapter 187 of the Revised Statutes, "of views, witnesses, depositions, and evidence."

CHAP. 316. An act in amendment of chapter 198 of the Revised Statutes, "of the relief of poor debtors."

Acts passed May session, 1859.

CHAP. 317. An act in amendment of chapter 102, title XVII, of the Revised Statutes, "of the inspection of lime."

Acts passed January session, 1860.

CHAP. 322. An act providing for the establishment and support of a state normal school, and in repeal of chapter 69, title XIII, of the Revised Statutes, entitled "of the normal school, teachers' institutes, and lectures."

CHAP. 323. An act in amendment of chapter 66, title XIII, of the Revised Statutes, "of the powers and duties of school committees."

CHAP. 325. An act in addition to, and in amendment of section 11, chapter 227, title XXXII, of the Revised Statutes, "of the reform school in the city of Providence."

CHAP. 326. An act in amendment of chapter 82, title XIV, of the Revised Statutes, "of dogs."

CHAP. 327. An act in addition to chapter 176, title XXVI, of the Revised Statutes, "of actions."

CHAP. 328. An act in addition to chapter 273, entitled "An act relative to banks and institutions for savings, in repeal of title XIX, chapter 126, of the Revised Statutes."

CHAP. 329. An act in amendment of chapter 122, title XVIII, of the Revised Statutes, "of bills of exchange and promissory notes."

CHAP. 331. An act in amendment of chapter 188, title XXVII, of the Revised Statutes, "of referees, auditors, and masters in chancery."

CHAP. 332. An act in amendment of, and in addition to chapter 167, title XXV, of the Revised Statutes, "of special courts of common pleas, and of proceedings therein."

CHAP. 333. An act in addition to, and in amendment of chapter 230, title XXXIII, of the Revised Statutes, "of fees and costs in certain cases."

CHAP. 334. An act in amendment of chapter 145, title XXII, of the Revised Statutes, "of estates in real property."

CHAP. 335. An act in addition to chapter 111, title XVII, of the Revised Statutes, "of the sale of butter, meal, onions, potatoes, berries, and cider."

CHAP. 336. An act in amendment of chapter 136, title XX, of the Revised Statutes, "of the property of married women, and of the disposal of the same."

CHAP. 337. An act in amendment of chapters 233 and 234, of title XXXIV, of the Revised Statutes, "of the militia."

CHAP. 338. An act in amendment of chapter 57, title XII, of the Revised Statutes, "of appropriations for the education of indigent blind, deaf and dumb, idiot and imbecile persons."

CHAP. 339. An act in addition to, and in amendment of chapter 23, title VI, of the Revised Statutes, "of the registering, listing, and returning lists of voters, and of proof of their qualifications to vote."

CHAP. 340. An act in addition to chapter 130, title XIX, of the Revised Statutes, "of railroad corporations."

CHAP. 341. An act in amendment of chapter 97, title XVI, of the Revised Statutes, "of private and several oyster fisheries."

CHAP. 342. An act in amendment of chapter 98, title XVI, of the Revised Statutes, "of certain fisheries."

CHAP. 343. An act in amendment of chapter 97, title XVI, of the Revised Statutes, "of private and several oyster fisheries."

CHAP. 344. An act in addition to chapter 282, entitled "An act in addition to title XIV of the Revised Statutes, 'of internal police.'"

CHAP. 345. An act in amendment of chapter 54, title XI, of the Revised Statutes, "of public provision for the indigent insane."

CHAP. 346. An act in amendment of chapter 51, title X, of the Revised Statutes, "of keeping out and removing paupers."

CHAP. 347. An act in addition to chapter 80, title XIV, of the Revised Statutes, "of bowling alleys, billiard tables, and shooting galleries."

CHAP. 348. An act in amendment of chapter 93, title XV, of the Revised Statutes, "of the distraint of animals going at large."

CHAP. 349. An act to prevent incendiarism.

CHAP. 350. An act in addition to chapter 222, title XXXI, of the Revised Statutes, "of proceedings in criminal cases."

Acts passed May session, 1860.

CHAP. 354. An act in amendment of chapter 12, title III, of the Revised Statutes, "of the revenue of the state."

CHAP. 355. An act in amendment of chapter 169, title XXV, of the Revised Statutes, "of magistrates or justices."

CHAP. 356. An act in amendment of chapter 83, title XIV, of the Revised Statutes, "of birds."

Acts passed January session, 1861.

CHAP. 359. An act in addition to chapter 176, title XXVI, of the Revised Statutes, "of actions and process."

CHAP. 361. An act in amendment of chapter 221, title XXXI, of the Revised Statutes, "of appeals from justices of the peace in criminal cases."

CHAP. 363. An act in amendment of chapter 216, title XXX, of the Revised Statutes, "of offences against chastity, morality, and decency."

CHAP. 364. An act in addition to chapter 34 of the Revised Statutes, "of the town councils."

CHAP. 365. An act in amendment of title XXXIV, chapter 235, of the Revised Statutes, "of the militia."

CHAP. 366. An act in addition to chapter 130 of the Revised Statutes, "of railroad corporations."

CHAP. 370. An act in amendment of title I, chapter 1, of the Revised Statutes, "of the constitution and organization of the general assembly."

CHAP. 371. An act in addition to chapter 212, title XXX, of the Revised Statutes, "of offences against the person."

CHAP. 372. An act in addition to title XI, chapter 54, of the Revised Statutes, "of public provision for the indigent insane."

CHAP. 373. An act in amendment of title XI, chapter 55, of the Revised Statutes, "of charitable donations."

CHAP. 374. An act in addition to title XXX, chapter 214, of the Revised Statutes, "of offences against private property."

Acts passed May session, 1861.

CHAP. 381. An act in addition to title XXXIV of the Revised Statutes, "of militia," and in repeal of chapters 375 and 376 of said statutes, and for other purposes.

CHAP. 382. An act in amendment of chapter 240, title XXXIV, of the Revised Statutes, "of pay" (of the militia).

CHAP. 383. An act in amendment of, and in addition to chapter 181, title XXVI, of the Revised Statutes, entitled "of attachments."

CHAP. 384. An act to amend title XXVI, chapter 177, of the Revised Statutes, "of the limitations of actions."

CHAP. 385. An act to amend chapter 264 of the Revised Statutes, "of returns of banks and institutions for savings."

Acts passed August session, 1861.

CHAP. 388. An act to provide for issuing of bonds to meet the present and future indebtedness of the state for military purposes.

CHAP. 390. An act to amend title XXVI, chapter 177, of the Revised Statutes, "of the limitations of actions."

Acts passed January session, 1862.

CHAP. 395. An act in amendment of title X, chapter 51, of the Revised Statutes, "of the keeping out and removing paupers."

CHAP. 396. An act in amendment of chapter 240, title XXXIV, of the Revised Statutes, "of pay" (of the militia).

CHAP. 397. An act in addition to chapters 168 and 169, title XXV, of the Revised Statutes, entitled, respectively, "of the jurisdiction of, and proceedings before, justices of the peace in civil cases," and "of courts of magistrates or justices."

CHAP. 398. An act to amend title XXVIII, chapter 200, of the Revised Statutes, "of the relief of insolvents."

CHAP. 399. An act in addition to chapter 151 of the Revised Statutes, "of the jurisdiction of courts of probate, and of license to sell real estate."

CHAP. 400. An act in amendment of, and in addition to title XXX, chapter 214, of the Revised Statutes, "of offences against private property."

CHAP. 401. An act in amendment of title VII, chapter 34, of the Revised Statutes, "of the town council."

CHAP. 402. An act in amendment of title XXIII, chapter 152, of the Revised Statutes, "of applications to, and of citations and notices by, courts of probate."

CHAP. 403. An act in addition to title XXVI, chapter 178, of the Revised Statutes, "of the forms of writs."

CHAP. 404. An act in amendment of title XXXI, chapter 222, "of proceedings in criminal cases."

CHAP. 407. An act in amendment of chapter 227, title XXXII, of the Revised Statutes, "of the reform school of the city of Providence."

CHAP. 408. An act to amend section 1, of chapter 93, title XV, of the Revised Statutes, "of the distraint of animals going at large."

CHAP. 409. An act in amendment of title XIV, chapter 78, of the Revised Statutes, "of the suppression of intemperance."

CHAP. 411. An act in amendment of chapter 33, title VII, of the Revised Statutes, "of the election and qualification of town officers."

CHAP. 412. An act to amend chapter 68, title XIII, of the Revised Statutes, "of legal proceedings relating to public schools."

Acts passed May session, 1862.

CHAP. 414. An act in amendment of chapter 129 of the Revised Statutes, "of insurance companies."

CHAP. 416. An act in amendment of title XXV, chapter 172, of the Revised Statutes, "of jurors and juries."

Acts passed August session, 1862.

CHAP. 434. An act in addition to title VII, chapter 30, of the Revised Statutes, "of the powers of and of suits by and against towns."

CHAP. 435. An act to meet the appropriations provided for in the act to provide for a uniform bounty to be paid by the state to volunteers, and for other purposes, passed August session, A. D. 1862.

CHAP. 438. An act authorizing the governor to purchase arms and equipments for the militia.

CHAP. 443. An act to amend section 8, chapter 138, of the Revised Statutes, "of guardian and ward."

Acts passed January session, 1863.

CHAP. 444. An act to regulate and restrain sales of intoxicating liquors.

CHAP. 445. An act in amendment of chapter 273, entitled "An act relative to banks and institutions for savings," in repeal of title XIX, chapter 126, of the Revised Statutes.

CHAP. 446. An act in amendment of chapter 117, title XVIII, of the Revised Statutes, "of auctioneers."

CHAP. 447. An act in amendment of chapter 433 of the Revised Statutes, entitled, "An act to provide for a uniform bounty to be paid by the state to volunteers, and for other purposes."

CHAP. 448. An act in amendment of chapter 33, title VII, of the Revised Statutes, "of the election and qualification of town officers."

CHAP. 449. An act in addition to chapter 230, title XXXIII, of the Revised Statutes, "of fees and costs in certain cases," and the amendments thereto.

CHAP. 452. An act relative to premium notes to mutual insurance companies.

CHAP. 453. An act in amendment of chapter 57 of the Revised Statutes, "of appropriations for the education of indigent blind, deaf and dumb, idiot and imbecile persons."

CHAP. 454. An act providing for the issue of state bonds.

CHAP. 455. An act to provide for the payment of the interest on the state bonds.

CHAP. 456. An act in amendment of title XXXIV of the Revised Statutes, "of the militia," and of chapter 681, in addition to the same.

CHAP. 457. An act further to amend section 1, of chapter 93, title XV, of the Revised Statutes, "of the distraint of animals going at large."

CHAP. 459. An act in amendment of chapter 93, title XV, of the Revised Statutes, "of the distraint of animals going at large."

CHAP. 461. An act in amendment of chapter 27, title VI, of the Revised Statutes, entitled, "Of the election of representatives in congress."

CHAP. 462. An act in amendment of chapter 190, title XXVII, of the Revised Statutes, "of costs, double costs, double interest, and taxation of costs."

CHAP. 463. An act in relation to town councils and courts of probate.

CHAP. 464. An act in addition to, and in amendment of title III, chapter 12, of the Revised Statutes, "of the revenue of the state."

CHAP. 465. An act in amendment of, and in addition to chapter 123 of the Revised Statutes, "of weights and measures."

CHAP. 468. An act in relation to the court of justices in Newport.

Acts passed May session, 1863.

CHAP. 471. An act in amendment of title XXII, chapter 146, of the Revised Statutes, "of the conveyances of real estate."

CHAP. 473. An act in amendment of title XVII, chapter 101, of the Revised Statutes, "of the inspection and survey of lumber."

CHAP. 474. An act in amendment of title III, chapter 12, section 2, of the Revised Statutes, "of the revenue of the state."

CHAP. 475. An act in addition to chapter 12 of the Revised Statutes, "of the revenue of the state."

CHAP. 478. An act in amendment of chapter 12, of title III, of the Revised Statutes, "of the revenue of the state," and of chapter 354, in amendment thereof.

CHAP. 479. An act in amendment of chapter 429 of the Statutes, "of fines and penalties."

Acts passed January session, 1864.

CHAP. 484. An act in amendment of chapter 172 of the Revised Statutes, "of jurors and juries."

CHAP. 485. An act in addition to title III, chapter 12, of the Revised Statutes, "of the revenue of the state."

CHAP. 486. An act in amendment of title VII, chapter 31, of the Revised Statutes, "of calling and warning town meetings."

CHAP. 487. An act in amendment of title XXXI, chapter 222, of the Revised Statutes, "of proceedings in criminal cases."

CHAP. 488. An act in amendment of chapter 169 of the Revised Statutes, "of courts of magistrates or justices."

CHAP. 489. An act in amendment of title XXXI, chapter 220, of the Revised Statutes, "of the criminal jurisdiction of, and of certain criminal proceedings before justices of the peace."

CHAP. 491. An act in amendment of chapter 57, title XII, of the Revised Statutes, "of appropriations for the education of indigent blind, deaf and dumb, idiot and imbecile persons."

CHAP. 492. An act in amendment of chapter 54, of title XI, of the Revised Statutes, "of public provisions for the indigent insane."

CHAP. 493. An act in amendment of chapter 190, "of costs, double costs, and double interest, and of taxation of costs."

CHAP. 495. An act in amendment of title VIII, chapter 37, of the Revised Statutes, "of property liable to taxation."

CHAP. 497. An act in amendment of chapter 169 of the Revised Statutes, "of courts of magistrates or justices."

CHAP. 498. An act in amendment of, and in addition to title XXIII, chapter 151, of the Revised Statutes, "of courts of probate."

CHAP. 499. An act to protect the fisheries in the public waters of the state.

CHAP. 500. An act authorizing the town of New Shoreham to make ordinances in relation to the fisheries in the Great Salt Pond within the limits of said town.

CHAP. 501. An act in amendment of chapter 98 of the Revised Statutes, "of certain fisheries."

CHAP. 502. An act to provide for the inspection of almshouses and asylums for the insane poor.

CHAP. 503. An act in amendment of title XXIX, chapter 202, of the Revised Statutes, "of dower, the action of dower, and of jointure."

CHAP. 504. An act in amendment of chapter 125 of the Revised Statutes, "of provisions respecting corporations in general."

CHAP. 505. An act in addition to title VII, chapter 80, of the Revised Statutes, "of the powers of, and of suits by and against towns."

CHAP. 507. An act in relation to savings banks and institutions for savings.

CHAP. 508. An act in amendment of title IX, chapter 43, of the Revised Statutes, "of highways, bridges, and ferries."

CHAP. 510. An act in addition to chapter 23 of the Revised Statutes, "of the registering, listing, and returning lists of voters, and of proof of their qualification to vote."

CHAP. 512. An act in addition to chapter 29, title VI, of the Revised Statutes, "of general provisions concerning elections."

CHAP. 513. An act in amendment of chapter 97, title XVI, of the Revised Statutes, "of private and several oyster fisheries."

CHAP. 514. An act in addition to an act entitled "An act to regulate the militia," passed at the present session of the general assembly.

CHAP. 515. An act to regulate the militia.

CHAP. 517. An act in addition to title XVII, chapter 123, of the Revised Statutes, "of weights and measures."

CHAP. 518. An act in addition to chapter 187, title XXVII, of the Revised Statutes, "of views, witnesses, depositions, and evidence."

CHAP. 520. An act in amendment of chapter 3 of the Revised Statutes, "of the publication and distribution of the acts and resolves of the general assembly."

CHAP. 521. An act to authorize turnpike corporations and toll-bridge corporations to convey their roads to the towns for highways.

CHAP. 522. An act in relation to the appointment of trustees, and enabling trustees to possess themselves of trust estates.

CHAP. 523. An act to prevent the introduction and dissemination of infectious or contagious diseases among the neat-cattle and other animals.

CHAP. 525. An act in addition to title XXVI, chapter 181, of the Revised Statutes, "of attachments."

CHAP. 526. An act in amendment of chapter 230, "of salaries and compensation of certain officers."

CHAP. 527. An act in amendment of chapter 229, title XXXIII, of the Revised Statutes, "of salaries and compensation of certain officers."

Acts passed May session, 1864.

CHAP. 530. An act in amendment of title XXXIII, chapter 230, of the Revised Statutes, "of fees and costs in certain cases."

CHAP. 531. An act to provide for the further issue of state bonds.

CHAP. 532. An act to provide further revenue for the state.

CHAP. 533. An act in amendment of chapter 119, title XVIII, "of hawkers and peddlers."

Acts passed January session, 1865.

CHAP. 536. An act in addition to chapter 273 of the Statutes, entitled "An act relative to banks and institutions for savings, in repeal of title XIX, chapter 126, of the Revised Statutes."

CHAP. 537. An act in addition to chapter 138 of the Revised Statutes, "of guardian and ward."

CHAP. 538. An act in addition to, and in amendment of chapter 138 of the Revised Statutes, "of guardian and ward."

CHAP. 539. An act in amendment of title XXIV, chapter 157, of the Revised Statutes, "of the inventory and assets of deceased persons."

CHAP. 540. An act in amendment of title XXIV, chapter 162, section 5, of the Revised Statutes, "of the settlement of accounts of executors and administrators."

CHAP. 541. An act in addition to, and in amendment of title XXIV, chapter 156, of the Revised Statutes, "of the administration of testate and intestate estates."

CHAP. 542. An act in addition to title XXIV, chapter 157, of the Revised Statutes, "of the inventories and assets of deceased persons."

CHAP. 549. An act in amendment of title XXV, chapter 164, of the Revised Statutes, "of the supreme court."

CHAP. 550. An act in amendment of title XXIV, chapter 165, of the Revised Statutes, "of the court of common pleas."

CHAP. 551. An act in amendment of, and in addition to title XXIII, chapter 151, of the Revised Statutes, "of courts of probate."

CHAP. 552. An act in addition to chapter 444 of the Statutes, "to regulate and restrain sales of intoxicating liquors."

CHAP. 553. An act in amendment of, and in addition to chapter 444 of the Statutes, "to regulate and restrain the sale of intoxicating liquors."

CHAP. 554. An act in addition to chapter 218, title XXX, of the Revised Statutes, "of offences against public policy."

CHAP. 555. An act in amendment of chapter 214 of the Revised Statutes, "of offences against private property."

CHAP. 556. An act in amendment of title XXX, chapter 214, of the Revised Statutes, "of offences against private property."

CHAP. 560. An act to grant to the United States concurrent jurisdiction over Dutch Island.

CHAP. 561. An act to create the office of inspector of cables.

CHAP. 562. An act in amendment of "an act to authorize the city of Providence to establish a house of correction, and for other purposes."

CHAP. 565. An act in amendment of title XIX, chapter 130, of the Revised Statutes, "of railroad corporations."

CHAP. 566. An act in addition to title XIX, chapter 130, of the Revised Statutes, "of railroad corporations."

CHAP. 567. An act in amendment of chapter 192, title XXVII, of the Revised Statutes, "of taking questions of law, in cases civil and criminal, to the supreme court."

CHAP. 568. An act in amendment of chapter 192, title XXVII, of the Revised Statutes, "of taking questions of law, in cases civil and criminal, to the supreme court."

CHAP. 573. An act in amendment of chapter 491 of the Statutes, "of appropriations for the deaf and dumb, idiotic, and imbecile persons."

CHAP. 574. An act in amendment of chapter 240 of the Revised Statutes, "of pay."

CHAP. 575. An act in addition to chapter 34, title VII, of the Revised Statutes, "of the town councils."

CHAP. 576. An act in amendment of title IX, chapter 44, of the Revised Statutes, "of repairing highways and bridges."

CHAP. 577. An act to provide for taking a decennial census of the inhabitants and voters of the state.

CHAP. 578. An act relative to actions for libel and slander.

CHAP. 579. An act in amendment of title VI, chapter 24, section 10, of the Revised Statutes, "of canvassing the rights and correcting the lists of voters."

CHAP. 581. An act in amendment of title X, chapter 50, of the Revised Statutes, "of the support and discipline of paupers."

CHAP. 582. An act in amendment of chapter 121, title XVIII, of the Revised Statutes, "of legal interest."

CHAP. 583. An act to amend certain provisions of title XIII, of the Revised Statutes, "of public instruction."

Acts passed May session, 1865.

CHAP. 587. An act in amendment of, and in addition to an act to provide for taking a decennial census of the inhabitants and voters of the state, passed at the January session, 1865.

CHAP. 588. An act to establish a court of magistrates in the village of Pawtucket.

CHAP. 589. An act in addition to title XXIV, chapter 155, of the Revised Statutes, "of the probate of wills."

CHAP. 590. An act in relation to acts of incorporation.

CHAP. 593. An act in amendment of title XXIV, chapter 158, of the Revised Statutes, "of insolvent estates of deceased persons."

CHAP. 594. An act in addition to title XIII, chapter 68, of the Revised Statutes, "of legal proceedings relating to public schools."

CHAP. 595. An act in amendment of section 1, chapter 374, of the Statutes.

CHAP. 597. An act for the protection of navigation in the Pawtucket River.

Acts passed January session, 1866.

CHAP. 603. An act in amendment of chapter 221 of the Revised Statutes, "of appeals from justices of the peace in criminal cases."

CHAP. 604. An act in amendment of title XXXI, chapter 221, of the Revised Statutes, "of appeals from justices of the peace in criminal cases."

CHAP. 606. An act in relation to the custody of prisoners committed under the authority of the United States.

CHAP. 607. An act in amendment of chapter 202 of the Revised Statutes, "of dower, the action of dower, and of jointure."

CHAP. 609. An act in addition to title XIII of the Revised Statutes, "of public instruction."

CHAP. 611. An act in addition to title XIII, chapter 65, of the Revised Statutes, "of the trustees of school districts."

CHAP. 612. An act in addition to chapter 125 of the Revised Statutes, "of provisions respecting corporations in general."

CHAP. 613. An act in relation to conveyances by infant trustees.

CHAP. 614. An act in addition to chapter 307 of the Revised Statutes, "of shows and exhibitions."

CHAP. 615. An act in amendment of an act entitled "An act in amendment of and in addition to chapter 129 of the Revised Statutes, 'of insurance companies.'"

CHAP. 616. An act to provide common school teachers with additional normal instruction.

CHAP. 617. An act in amendment of chapter 21, title V, of the Revised Statutes, "of public notaries and commissioners."

CHAP. 619. An act in amendment of chapter 453 of the Statutes, "of appropriations for the education of indigent blind, deaf and dumb, idiot and imbecile persons."

CHAP. 620. An act to prevent the fraudulent evasion of the payment of fares due from travellers by steamboat and ferry-boat.

CHAP. 621. An act to provide for the registration of state bonds.

CHAP. 622. An act in amendment of title XVIII, chapter 115, "of limited partnerships."

CHAP. 623. An act in amendment of title XXXIV of the Revised Statutes, "of the militia."

CHAP. 624. An act in amendment of title XXXII chapter 228, of the Revised Statutes, "of the state prison, its officers and discipline."

CHAP. 625. An act in relation to the appointment of trustees for charities, and the application of trust property.

CHAP. 626. An act for the protection of fish in the waters of Rhode Island.

CHAP. 627. An act for the adoption of children.

CHAP. 628. An act concerning "insurance companies."

CHAP. 630. An act in amendment of chapter 97, title XVI, of the Revised Statutes, "of private and several oyster fisheries."

CHAP. 631. An act in amendment of title XVIII, chapter 119, of the Revised Statutes, "of hawkers and peddlers."

CHAP. 632. An act enabling the state banks to close up their banking business and to surrender their charters.

CHAP. 633. An act in amendment of chapter 96, of title XVI, of the Revised Statutes, "of free and common oyster fisheries."

CHAP. 634. An act in amendment of chapter 44 of the Revised Statutes, "of repairing highways and bridges."

CHAP. 635. An act in addition to title XIX, chapter 129, of the Revised Statutes, "of insurance companies."

CHAP. 637. An act in amendment of, and in addition to, chapter 203, title XXIX, of the Revised Statutes, "of partition of estates in common and joint tenancy, and of other actions concerning such estates."

Acts passed May session, 1866.

CHAP. 641. An act in amendment of chapter 72, title XIV, of the Revised Statutes, "of nuisances."

CHAP. 642. An act in addition to chapter 125 of the Revised Statutes, "of provisions respecting corporations in general."

CHAP. 643. An act in amendment of title XVIII, chapter 119, of the Revised Statutes, "of hawkers and peddlers," and of the acts in amendment thereof.

CHAP. 645. An act in amendment of title XXXIII, chapter 230, section 20, of the Revised Statutes, "of fees and costs in certain cases."

Acts passed January session, 1867.

CHAP. 646. An act in amendment of chapter 191 of the Revised Statutes, "of appeals in civil cases at common law, and of neglect to prosecute the same."

CHAP. 647. An act in relation to the sale and inspection of milk.

CHAP. 648. An act in addition to title XIII, chapter 66, section 24, of the Revised Statutes, "of the powers and duties of school committees."

CHAP. 651. An act in amendment of, and in addition to sections 2 and 20, chapter 98, of the Revised Statutes, "of certain fisheries."

CHAP. 652. An act in relation to easements enjoyed by telegraph companies.

CHAP. 653. An act in amendment of, and in addition to chapter 123 of the Revised Statutes, "of weights and measures."

CHAP. 655. An act in addition to chapter 93 of the Revised Statutes, and other acts in amendment thereof, "of the distraint of animals going at large."

CHAP. 656. An act to enable towns to establish justice courts, and to increase the jurisdiction of courts of magistrates and justices.

CHAP. 657. An act in amendment of "An act to establish a court of magistrates in the village of Pawtucket," being chapter 588 of the public laws.

CHAP. 658. An act in addition to an act entitled "An act to enable towns to establish justice courts, and to increase the jurisdiction of courts of magistrates and justices."

CHAP. 659. An act in amendment of chapters 164, 165, and 172, title XXV, and of chapter 191, title XXVII, of the Revised Statutes, "of the supreme court, and of the court of common pleas, and of appeals at common law," &c.

CHAP. 660. An act in amendment of chapter 188 of the Revised Statutes, "of referees, auditors, and masters in chancery."

CHAP. 661. An act in amendment of chapter 80, "of bowling alleys, billiard tables, and shooting galleries."

- CHAP. 662. An act in relation to theatrical exhibitions, concerts, &c.
- CHAP. 663. An act to provide for a change of investment of trust estates.
- CHAP. 668. An act in relation to town and city libraries.
- CHAP. 669. An act authorizing the cities and towns to regulate the storage and sale of certain explosive substances.
- CHAP. 670. An act to repeal chapter 444 of the Statutes, entitled "An act to regulate and restrain sales of intoxicating liquors," and for other purposes.
- CHAP. 671. An act in relation to pilots and pilotage.
- CHAP. 673. An act in amendment of title XXIII, "of salaries and fees," chapter 229, section 13.
- CHAP. 674. An act in amendment of chapter 355 of the Statutes, "of magistrates or justices."
- CHAP. 675. An act in amendment of chapter 229 of the Revised Statutes, "of salaries and fees."
- CHAP. 676. An act to preserve the public records.
- CHAP. 677. An act in amendment of chapter 93 of the Revised Statutes, "of the distraint of animals going at large."
- CHAP. 678. An act in addition to chapter 316 of the public acts, entitled "An act in amendment of chapter 198 of the Revised Statutes, 'of the relief of poor debtors.'"
- CHAP. 679. An act in addition to chapter 203 of the Revised Statutes, "of partition of estates in common and joint tenancy, and of other actions concerning such estates."
- CHAP. 680. An act in amendment of chapter 175 of the Revised Statutes, "of town sergeants and constables."
- CHAP. 681. An act in relation to appeals from town councils.
- CHAP. 682. An act in amendment of chapter 631 of the Statutes, "of hawkers and peddlers."
- CHAP. 683. An act in addition to chapter 217 of the Revised Statutes, "of offences against the public health."
- CHAP. 684. An act in amendment of chapter 83 of the Revised Statutes, "of birds."
- CHAP. 686. An act to provide for the destruction of Rhode Island bonds paid or purchased by the state.
- CHAP. 687. An act to define and punish vagrancy.
- CHAP. 688. An act in amendment of chapter 307 of the public acts, entitled an act in amendment of chapter 79 of the Revised Statutes, "of shows and exhibitions."
- CHAP. 689. An act in addition to, and in amendment of chapter 216 of the Revised Statutes, "of offences against chastity, morality, and decency."
- CHAP. 690. An act in addition to chapters 39 and 40 of the Revised Statutes, "of the levy and assessment of taxes," and "of the collection of taxes."
- CHAP. 691. An act in amendment of chapter 229 of the Revised Statutes, "of salaries and fees."
- CHAP. 695. An act in amendment of chapters 22 and 23 of the Revised Statutes, "of the rights and qualifications of voters," and "of the registering of voters and proof of their qualification to vote."
- CHAP. 696. An act in addition to chapter 220 of the Revised Statutes, "of the criminal jurisdiction of, and of certain criminal proceedings before justices of the peace."
- CHAP. 697. An act in amendment of chapter 656 of the Statutes, entitled "An act to enable towns to establish justice courts, and to increase the jurisdiction of courts of magistrates and justices."
- CHAP. 699. An act in amendment of chapter 598 of the Statutes, entitled "An act to revise, consolidate, and amend the act entitled 'an act to incorporate the city of Providence,' and the several acts in addition thereto and in amendment thereof."
- CHAP. 700. An act in addition, to chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."
- CHAP. 701. An act in amendment of, and in addition to title XXIV, chapter 162, of the Revised Statutes, "of the settlement of accounts of executors and administrators."

CHAP. 702. An act in amendment of chapter 78 of the Revised Statutes, "of the suppression of intemperance."

CHAP. 703. An act in amendment of chapter 588, section 1, of the public acts, entitled "An act to establish a court of magistrates in the village of Pawtucket."

CHAP. 704. An act in amendment of an act, title XIII, chapter 58, section 2, Revised Statutes, "of the commissioner of public schools."

CHAP. 705. An act in addition to chapter 30 of the Revised Statutes, "of the powers of, and of suits by and against towns."

CHAP. 706. An act in addition to, and in amendment of chapter 137 of the Revised Statutes, "of divorce."

CHAP. 707. An act in addition to chapter 156, and of the several acts in amendment thereof, "of administration of testate and intestate estates."

CHAP. 708. An act to authorize the offering of rewards by towns and cities for the apprehension of criminals.

CHAP. 709. An act to enable aliens to take, hold, convey, and transmit title to real estate.

CHAP. 710. An act in addition to chapter 213 of the Revised Statutes, entitled "Of offences against the public peace and property."

CHAP. 711. An act in amendment of chapter 195 of the Revised Statutes, "of the service of executions."

CHAP. 712. An act in addition to chapter 35 of the Revised Statutes, "of the town clerk."

CHAP. 714. An act in amendment of chapter 619 of the Statutes, "of the appropriations for the education of indigent blind, deaf and dumb, idiot and imbecile persons."

CHAP. 715. An act in addition to chapter 199 of the Revised Statutes, "of poor tort debtors."

CHAP. 716. An act in addition to, and in amendment of chapter 138 of the Revised Statutes, and of the acts in amendment thereof, "of guardian and ward."

CHAP. 717. An act in amendment of chapter 76 of the Revised Statutes, "of the registration of births, deaths, and marriages."

CHAP. 720. An act in amendment of chapter 163 of the Revised Statutes, "of the bonds of executors and administrators, and of suits thereon."

CHAP. 721. An act in amendment of title XXXIV of the Revised Statutes, "of the militia."

CHAP. 722. An act in relation to the law library in the state house in Providence.

CHAP. 723. An act in amendment of chapter 226, of title XXXII, of the Revised Statutes, "of jails, and of the care and discipline of jails."

CHAP. 724. An act in addition to an act in amendment of chapter 160 of the Revised Statutes, "of estates of persons dying without heirs," &c.

CHAP. 725. An act in amendment of title XIV, chapter 80, of the Revised Statutes, "of bowling alleys, billiard tables, and shooting galleries."

CHAP. 726. An act in addition to chapter 136 of the Revised Statutes, "of the property of married women, and of the disposition of the same."

CHAP. 727. An act in amendment of title XVI, chapter 98, of the Revised Statutes, "of certain fisheries," and of other acts in amendment thereof, and in addition thereto.

CHAP. 728. An act in amendment of, and in addition to title XVI, chapter 98, of the Revised Statutes, "of certain fisheries."

CHAP. 729. An act in addition to, and in amendment of chapter 17 of the Revised Statutes, "of the state auditor, and of returns to him."

CHAP. 731. An act in addition to chapter 187 of the Revised Statutes, "of views, witnesses, depositions, and evidence."

CHAP. 732. An act in amendment of chapter 229 of the Revised Statutes, and of the acts in amendment thereof, "of salaries and compensation of certain officers."

CHAP. 733. An act in addition to, and in amendment of chapter 230 of the Revised Statutes, and of the acts in amendment thereof, "of fees and costs in certain cases."

CHAP. 734. An act to create the office of inspector of hides and leather, and to define the duties of said officer.

CHAP. 736. An act in addition to chapter 172 of the Revised Statutes, "of jurors and juries."

CHAP. 737. An act in amendment of an act in addition to chapter 130 of the Revised Statutes, "of railroad corporations."

CHAP. 738. An act in addition to chapter 164 of the Revised Statutes, "of the supreme court."

CHAP. 740. An act to provide an appropriation in aid of teachers' institutes.

CHAP. 741. An act in addition to, and in amendment of chapter 83 of the Revised Statutes, and of the acts in amendment thereof, "of birds."

CHAP. 742. An act in addition to, and in amendment of title III, chapter 16, of the Revised Statutes, "of the general treasurer."

CHAP. 743. An act to provide for the payment of the fees of witnesses summoned in behalf of the state.

CHAP. 744. An act in amendment of chapter 19 of the Revised Statutes, "of the secretary of state."

CHAP. 745. An act in addition to chapter 198 of the Revised Statutes, "of the relief of poor debtors."

CHAP. 746. An act in amendment of chapter 692 of the public laws, entitled, "An act in amendment of an act entitled 'an act in amendment of chapter 164 of the Revised Statutes, 'of the supreme court.'"

CHAP. 747. An act in amendment of chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 748. An act in addition to chapter 222 of the Revised Statutes, "of proceedings in criminal cases."

CHAP. 749. An act in amendment of, and in addition to chapter 12 of the Revised Statutes, "of the revenue of the state," and of the several acts in amendment thereof, and in addition thereto.

CHAP. 750. An act in addition to chapter 228 of the Revised Statutes, "of the state prison, its officers and discipline."

CHAP. 751. An act in relation to mortgagees' sales by public auction.

CHAP. 753. An act in addition to chapter 158 of the Revised Statutes, "of insolvent estates of deceased persons," and in repeal of chapter 593 of the public laws.

CHAP. 757. An act in amendment of, and in addition to chapter 670 of the public laws, entitled, "An act to repeal chapter 444 of the Statutes, entitled, 'an act to regulate and restrain sales of intoxicating liquors,'" and for other purposes.

CHAP. 760. An act in addition to title VIII, "of the levy, assessment, and collection of taxes."

CHAP. 761. An act in amendment of an act entitled, "An act incorporating the city of Newport, and of the several acts in amendment thereof."

CHAP. 762. An act in amendment of chapter 59 of the Revised Statutes, "of the appropriations for public schools."

CHAP. 765. An act in addition to chapter 170 of the Revised Statutes, "of the clerks of the supreme court and court of common pleas."

CHAP. 766. An act to facilitate the transaction and recording of the business of the supreme court within and for the county of Providence.

CHAP. 767. An act in amendment of chapter 659 of the public laws, "of the supreme court, and of the court of common pleas," &c., in addition thereto.

Acts passed May session, 1868.

CHAP. 768. An act in amendment of title I, chapter 4, of the Revised Statutes, "of certain civil officers elected by the general assembly."

CHAP. 769. An act in amendment of chapter 767 of the Statutes, entitled, "An act in amendment of chapter 659 of the public laws, 'of the supreme court, and of the court of common pleas,'" &c., in addition thereto.

CHAP. 773. An act in addition to title XX, chapter 138, of the Revised Statutes, "of guardian and ward."

Acts passed January session, 1869.

CHAP. 776. An act in addition to, and in amendment of chapters 82 and 326 of the Statutes, "of dogs."

CHAP. 777. An act in amendment of chapter 171 of the Revised Statutes, "of the reporter and reports of the decisions of the supreme court."

CHAP. 778. An act in addition to an act entitled "An act in amendment of title XXXIV of the Revised Statutes, and of the several acts in addition thereto, and in amendment thereof, 'of the militia.'"

CHAP. 779. An act in amendment of chapter 193 of the Revised Statutes, "of new trials."

CHAP. 780. An act in amendment of title XVIII, chapter 119, of the Revised Statutes, "of hawkers and peddlers."

CHAP. 781. An act in amendment of chapter 230 of the Revised Statutes, "of fees and costs in certain cases."

CHAP. 782. An act in addition to chapter 137 of the Revised Statutes, "of divorce."

CHAP. 785. An act in amendment of chapter 642 of the public laws, entitled, "An act in addition to chapter 125 of the Revised Statutes, 'of provisions respecting corporations in general.'"

CHAP. 787. An act in amendment of chapter 490 of the public laws, entitled, "An act in amendment of chapter 229 of the Revised Statutes, 'of salaries and compensation of certain officers.'"

CHAP. 788. An act to prevent the defacing of private property and natural objects by advertisements.

CHAP. 789. An act in amendment of chapter 117 of the Revised Statutes, "of auctioneers."

CHAP. 793. An act in amendment of chapter 762 of the public laws, entitled, "An act in amendment of chapter 59 of the Revised Statutes, 'of the appropriations for public schools.'"

CHAP. 794. An act in amendment of, and in addition to title XXIII, chapter 151, of the Revised Statutes, "of courts of probate."

CHAP. 795. An act in addition to chapter 176 of the Revised Statutes, "of actions."

CHAP. 796. An act in amendment of chapter 181 of the Revised Statutes, "of attachments."

CHAP. 797. An act in amendment of chapter 444 of the Statutes, entitled, "An act to regulate and restrain sales of intoxicating liquors."

CHAP. 798. An act in addition to chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 799. An act in amendment of chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 800. An act in amendment of chapter 66 of the Revised Statutes, "of the powers and duties of school committees."

CHAP. 801. An act in addition to chapter 298 of the public laws, entitled "An act in amendment of chapter 138 of the Revised Statutes, 'of guardian and ward.'"

CHAP. 803. An act in addition to, and in amendment of title III, chapter 16, of the Revised Statutes, "of the general treasurer."

CHAP. 804. An act in addition to chapter 743 of the public laws, entitled "An act to provide for the payment of the fees of witnesses summoned in behalf of the state."

CHAP. 805. An act in addition to chapter 53, title II, of the Revised Statutes, "of the restraint and cure of the insane."

CHAP. 806. An act in amendment of title XXXIV of the Revised Statutes, "of the militia."

CHAP. 808. An act to prevent frauds in the sale of sewing thread.

CHAP. 809. An act in addition to chapter 668 of the public laws, entitled "An act in relation to town and city libraries."

CHAP. 810. An act in amendment of, and in addition to chapter 130 of the Revised Statutes, "of railroad corporations."

Acts passed May session, 1869.

CHAP. 814. An act to establish a board of state charities and corrections.

CHAP. 815. An act in addition to an act passed at the present session of the general assembly, entitled an act to establish a board of state charities and corrections.

CHAP. 818. An act in amendment of title XXXIV, chapter 240, of the Revised Statutes, "of the militia."

CHAP. 819. An act in relation to common carriers.

CHAP. 822. An act in amendment of chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 823. An act in amendment of chapter 757 of the public laws, entitled "An act in amendment of, and in addition to chapter 670 of the public laws, entitled 'an act to repeal chapter 444 of the Statutes, entitled 'an act to regulate and restrain sales of intoxicating liquors,' and for other purposes."

CHAP. 824. An act in amendment of chapter 229, title XXXIII, of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 826. An act in amendment of chapter 98 of the Revised Statutes, "of certain fisheries."

CHAP. 827. An act in addition to chapter 513 of the public laws, "of private and several oyster fisheries."

Acts passed January session, 1870.

CHAP. 829. An act in relation to the sale and inspection of milk, and in repeal of chapter 647 of the Statutes, entitled "An act in relation to the sale and inspection of milk."

CHAP. 829. An act in addition to chapter 73 of the Revised Statutes, and of the several acts in addition thereto, and in amendment thereof, "of the suppression of certain nuisances."

CHAP. 830. An act in amendment of chapter 34 of the Revised Statutes, "of the town council."

CHAP. 832. An act in addition to, and in amendment of chapter 222, title XXXI, of the Revised Statutes, "of proceedings in criminal cases."

CHAP. 833. An act in addition to chapter 138 of the Revised Statutes, and of the several acts in addition thereto, and in amendment thereof, "of guardian and ward."

CHAP. 834. An act in addition to, and in amendment of chapter 230 of the Revised Statutes, "of fees and costs in certain cases."

CHAP. 835. An act in amendment of chapter 228 of the Revised Statutes, "of the state prison, its officers and discipline."

CHAP. 836. An act in addition to title XIII, chapter 71, of the Revised Statutes, "of general provisions relating to public schools."

CHAP. 837. An act in amendment of chapter 54, title XI, of the public laws, entitled "An act for the public provision for the indigent insane."

CHAP. 839. An act in amendment of chapter 25, title VI, of the Revised Statutes, "of elective meetings."

CHAP. 840. An act in addition to chapter 37, title VIII, of the Revised Statutes, "of property liable to taxation."

CHAP. 841. An act in amendment of an act entitled "An act in addition to chapter 37, title VIII, of the Revised Statutes, 'of property liable to taxation,'" passed at the present session of the general assembly.

CHAP. 842. An act in amendment of chapter 43 of the Revised Statutes. "of laying out and making highways and driftways."

CHAP. 845. An act in addition to chapter 423 of the Statutes, "of arms, equipments, armories, and military property."

CHAP. 846. An act in amendment of chapter 52 of the Revised Statutes, and in addition to chapter 814 of the public laws, entitled "An act to establish a board of state charities and corrections."

CHAP. 847. An act in addition to chapter 226 of the Revised Statutes, "of jails, and the care and discipline of jails."

CHAP. 848. An act for the encouraging and regulating inland fisheries.

CHAP. 849. An act in addition to chapter 776 of the Statutes, "of dogs."

CHAP. 850. An act to establish a board of education for the state of Rhode Island.

CHAP. 851. An act in addition to chapter 136, title XX, of the Revised Statutes, "of the property of married women, and of the disposition of the same."

CHAP. 852. An act in amendment of chapter 769 of the public laws, concerning the trial of civil actions in the court of common pleas in the county of Providence.

CHAP. 853. An act in amendment of chapter 776 of the public laws, entitled "An act in addition to, and in amendment of chapters 82 and 326 of the Statutes, 'of dogs.'"

CHAP. 854. An act to amend an act, entitled "An act to establish a board of state charities and corrections."

CHAP. 855. An act in amendment of title I, chapter 4, of the Revised Statutes, "of certain civil officers elected by the general assembly."

CHAP. 856. An act to regulate the sale of medicines and poisons.

CHAP. 857. An act in addition to chapter 178 of the Revised Statutes, "of the form of writs."

CHAP. 858. An act in amendment of chapter 183 of the Revised Statutes, "of foreign attachment," and chapter 711, "of the public laws."

CHAP. 859. An act in amendment of chapter 181 of the Revised Statutes, "of attachments."

CHAP. 860. An act in amendment of chapter 180 of the Revised Statutes, "of arrest and taking bail," and of chapter 194, "of executions."

CHAP. 861. An act in amendment of title XVII, chapter 101, of the Revised Statutes, "of the inspection and survey of lumber."

CHAP. 862. An act in amendment of chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 863. An act in addition to chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 864. An act in amendment of chapter 191 of the Revised Statutes, "of appeals in civil cases at common law, and of neglect to prosecute the same," and of chapter 769 of the public laws.

CHAP. 866. An act in amendment of chapter 230 of the Revised Statutes, "of fees and costs in certain cases."

CHAP. 867. An act in amendment of chapter 663 of the public laws, entitled "An act to provide for a change of investment of trust estates."

CHAP. 868. An act in amendment of chapter 814 of the Statutes, entitled "An act to establish a board of state charities and corrections."

CHAP. 869. An act in amendment of chapter 754 of the public laws, in amendment of chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 871. An act to authorize the repair of the stone bridge between Tiverton and Portsmouth, and to make the said bridge a free bridge.

Acts passed May session, 1870.

CHAP. 874. An act in amendment of chapter 656 of the public laws, entitled, "An act to enable town to establish justice courts, and to increase the jurisdiction of courts of magistrates and justices," and of chapter 697 of the public laws.

CHAP. 878. An act in amendment of chapter 814 of the Statutes, entitled "An act to establish a board of state charities and corrections."

CHAP. 879. An act to authorize the purchase of two bridges across the Warren River and the Barrington River, known respectively as the "Kelley's Bridge," and the "Warren and Barrington Bridge," and to make the said bridges free bridges.

CHAP. 881. An act in amendment of an act entitled "An act to establish a board of education for the state of Rhode Island."

CHAP. 882. An act in amendment of chapter 180 of the Revised Statutes, "of arrests and taking bail."

CHAP. 883. An act in amendment of chapter 860 of the public laws, entitled "An act in amendment of chapter 180 of the Revised Statutes, 'of arrest and taking bail,' and chapter 194, 'of executions.'"

CHAP. 884. An act in amendment of an act entitled "An act in amendment of chapter 229, 'of salaries and compensation of certain officers.'"

CHAP. 887. An act authorizing the appointment of women as visitors to the penal and correctional institutions of the state.

CHAP. 888. An act in amendment of chapter 27 of the Revised Statutes, "of the elections of representatives in congress," and of chapter 752 of the public laws.

CHAP. 889. An act authorizing the commander-in-chief to suspend for a limited period the operation of chapter 424 of the Statutes, "of discipline, inspection, and review."

CHAP. 890. An act in amendment of chapter 492 of the Statutes, entitled "An act in amendment of chapter 54, title XI, of the Revised Statutes, 'of public provisions for the indigent insane.'"

CHAP. 891. An act in amendment of an act entitled "An act in amendment of title XXXIV, chapter 240, of the Revised Statutes, 'of the militia.'"

Acts passed January session, 1871.

CHAP. 893. An act to prevent the introduction and dissemination of contagious disease among cattle, and other domestic animals.

CHAP. 894. An act in amendment of, and in addition to chapter 164 of the Revised Statutes, "of the supreme court," and of the several acts in amendment thereof, and in addition thereto.

CHAP. 895. An act in addition to chapter 169 of the Revised Statutes, and of the several acts in amendment thereof, "of courts of magistrates or justices."

CHAP. 896. An act in amendment of chapter 660 of the Statutes, "of auditors."

CHAP. 901. An act in amendment of, and in addition to chapter 777 of the Revised Statutes, "of the reporter and reports and decisions of the supreme court."

CHAP. 902. An act in amendment of chapter 793 of the public laws, "of the appropriations for public schools."

CHAP. 904. An act in addition to chapter 514 of the Revised Statutes, entitled "An act in addition to an act entitled 'an act to regulate the militia.'"

CHAP. 905. An act in amendment of an act entitled "An act in amendment of, and in addition to chapter 164 of the Revised Statutes, of the supreme court," and of the several acts in amendment thereof, and in addition thereto.

CHAP. 907. An act in addition to chapter 187, title XXVII, of the Revised Statutes, "of views, witnesses, depositions, and evidences."

CHAP. 908. An act in amendment of chapter 25 of the Revised Statutes, "of elective meetings."

CHAP. 910. An act in amendment of chapter 269 of the Revised Statutes, entitled "An act in amendment of, and in addition to title XXX, chapter 218, of the Revised Statutes, of offences against public policy."

CHAP. 911. An act in amendment of chapter 216 of the Revised Statutes, "of offences against chastity, morality, and decency."

CHAP. 912. An act for the more effectual prevention of cruelty to animals.

CHAP. 913. An act to regulate the inspection, sale, and keeping of inflammable and explosive fluids.

CHAP. 914. An act to regulate the sale of medicines and poisons, and to repeal chapter 856 of the Statutes.

CHAP. 917. An act to allow the town of East Greenwich to use the jail in certain cases for town purposes.

CHAP. 919. An act in amendment of chapter 34 of the Revised Statutes, "of the town councils."

CHAP. 920. An act in amendment of chapter 848 of the public laws, entitled "An act for the encouraging and regulating inland fisheries."

CHAP. 923. An act in amendment of chapter 60 of the Revised Statutes, "of the powers and duties of towns, and of the duties of town treasurer and town clerk relating to public schools."

CHAP. 924. An act to further define the jurisdiction of courts of magistrates and trial justices.

CHAP. 925. An act in addition to chapter 136, title XX, of the Revised Statutes, "of the property of married women, and of the disposition of the same."

CHAP. 926. An act in amendment of chapter 229 of the Revised Statutes, and of several acts in amendment thereof, "of salaries and compensation of certain officers."

CHAP. 927. An act to establish a "state normal school."

CHAP. 928. An act in amendment of chapter 173 of the Revised Statutes, "of sheriffs, deputy sheriffs, and jailers."

CHAP. 929. An act providing for the election and defining the duties and powers of turnpike commissioners.

CHAP. 930. An act to facilitate the transaction of business in the office of the secretary of state.

CHAP. 932. An act in amendment of chapter 750 of the Revised Statutes, "of the levy, assessment, and collection of taxes."

CHAP. 934. An act in amendment of, and in addition to chapter 83 of the Revised Statutes, "of birds," and of the several acts in amendment thereof, and in addition thereto.

CHAP. 935. An act in amendment of chapter 24 of the Revised Statutes, "of canvassing the rights and correcting the lists of voters."

CHAP. 936. An act for the protection of the scollop fisheries of the state.

CHAP. 937. An act to equalize the benefits of the normal school, and in repeal of an act entitled "An act to provide common school teachers with normal instruction."

CHAP. 938. An act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites of light-houses on the coasts and waters of this state.

CHAP. 939. "An act giving the consent of the State of Rhode Island to the purchase by the United States of land within this state for public purposes."

CHAP. 940. An act in amendment of chapter 857 of the Statutes, and of chapter 178 of the Revised Statutes, "of the forms of writs."

CHAP. 944. An act in addition to, and in amendment of chapter 151 of the Revised Statutes, "of the jurisdiction of courts of probate, and of license to sell real estate," and of the several acts in amendment thereof, and to repeal chapter 539 of the public laws.

Acts passed May session, 1871.

CHAP. 946. An act allowing an appeal from the decrees of town councils in declaring highways useless in certain cases.

CHAP. 949. An act in amendment of chapter 172 of the Revised Statutes, "of jurors and juries."

CHAP. 950. An act in amendment of chapter 670 of the Statutes, entitled "An act to repeal chapter 444 of the Statutes, entitled 'an act to regulate and restrain sales of intoxicating liquors,' and for other purposes."

CHAP. 951. An act in amendment of chapter 168 of the Revised Statutes, "of the jurisdiction of justices of the peace in civil cases."

CHAP. 952. An act in amendment of chapter 23 of the Revised Statutes, "of the registering, listing, and returning lists of voters, and of the proofs of their qualification to vote."

CHAP. 954. An act in amendment of an act to establish a court of magistrates in the village of Pawtucket.

CHAP. 955. An act in amendment of chapter 216, title XXXIII, of the Revised Statutes.

CHAP. 957. An act in amendment of chapter 913 of the public laws, entitled "An act to regulate the sale and keeping of inflammable and explosive fluids."

CHAP. 959. An act in addition to chapter 229 of the Revised Statutes, "of salaries and compensation of certain officers."

CHAP. 960. An act in amendment of chapter 70 of the Revised Statutes, "of truant children and absentees from school."

CHAP. 961. An act in amendment of chapter 927 of the public laws, entitled "An act to establish a state normal school."

Acts passed January session, 1872.

CHAP. 968. An act to provide for the filling of vacancies in certain offices.

CHAP. 969. An act in amendment of and in addition to chapter 475 of the Statutes, entitled "An act in addition to chapter 12 of the Revised Statutes, 'of the revenue of the state.'"

CHAP. 970. An act in addition to chapter 187, title XXVII, of the Revised Statutes, "of views, witnesses, depositions, and evidence."

CHAP. 973. Of the assay and inspection of liquors.

CHAP. 974. An act in amendment of chapter 32 of the Revised Statutes, "of the quorum, government, and conduct of town meetings, and of organization and government of ward meetings."

CHAP. 975. An act to repeal chapter 263 of the Statutes, entitled "An act in addition to an act entitled 'an act relative to the harbor and public waters in the town of Providence.'"

CHAP. 976. An act relative to claims to easements in real estate.

CHAP. 979. An act for the protection of telegraphic messages.

CHAP. 980. An act to give a right of action for injuries in certain cases.

CHAP. 983. An act for the further protection of fish in Easton's Pond, in Newport and Middletown.

CHAP. 987. An act to provide for the appointment of a stenographic clerk for the supreme court, and for the preservation of evidence in certain cases.

CHAP. 990. An act in amendment of chapter 670 of the Revised Statutes, entitled "An act to repeal chapter 444 of the Revised Statutes, entitled an act to regulate and restrain the sales of intoxicating liquors and for other purposes."

CHAP. 998. An act in amendment of chapter 76 of the Revised Statutes.

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OK W. H. P.



