

EXECUTIVE POWER.

The legislative, executive and judicial powers of government, ought to be for ever separate and distinct from each other. *Ibid.* 6.

A long continuance in the first executive departments is dangerous to liberty, a rotation therefore in those departments is one of the best securities of permanent freedom. *Ibid.* 31.

Manner in which the governor and council are elected. Const. 25, 26.

The governor may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state. *Ibid.* 33.

EXECUTORS.

After probat of a will, letters testamentary to be granted to the executor or executors named therein, on their executing a bond as therein directed. 1798, No. 101, ch. 3, § 1.

How such letters are to be granted where personal property is in a county other than that where the will was proved. *Ibid.* § 2.

The executor to transmit to such county a certificate of the granting of letters testamentary. *Ibid.*

Directions for summoning executors in order to file bonds, &c. *Ibid.* § 4, 5, 6.

Where several executors are named in a will, letters shall not be granted to less than the whole, until there shall be a proceeding against them by such summons, &c. *Ibid.* § 6.

Directions respecting the renunciation of executors. *Ibid.* § 7.

If letters are granted to one or more, on failure of the rest, those not named in the letters shall not interfere, &c. *Ibid.* § 8.

Executors named in a will shall not interfere after letters of administration, with a copy of the will, are granted. *Ibid.*

Such executors shall not, before letters are granted, interfere further than to preserve the property. *Ibid.*

But such acts shall be made valid by the granting of letters. *Ibid.*

In suits by executors they may produce the letters, or a certificate, at any time before trial. *Ibid.*

Where an exhibit of such letters would be available, a certificate shall be equally so. *Ibid.*

Executors named in a will, but not in the letters, need not be made parties in suits. *Ibid.* § 9.

But the making them parties shall not vitiate. *Ibid.*

The bonds of executors to be recorded in the office of register of wills granting the letters, and persons interested entitled to copies to bring suits on. *Ibid.* § 10.

The condition of their bonds prescribed. *Ibid.* § 11.

Executors to take the oath therein prescribed. *Ibid.* § 12.

Form of the letters testamentary. *Ibid.* § 13.

In what manner letters shall be granted if an executor is disqualified from being under age, &c. *Ibid.* ch. 4.

The bond of an executor or executrix above eighteen, and under twenty-one, shall be binding. *Ibid.* § 7.

A married woman shall not be entitled to letters testamentary, unless her husband gives bond and security. *Ibid.* § 8.

Directions as to granting letters testamentary, on the discovery of a will after letters of administration. *Ibid.* ch. 5, § 4.

For the executor, as to judgments on suits by or against the administrator. *Ibid.*

The goods, &c. to be delivered to such executor. *Ibid.* § 5.

In no case shall the executor of an executor be entitled as executor to administration *de bonis non* of the first deceased. *Ibid.* § 6.

Directions to executors, where by the will it is necessary to retain the personal estate, or part of it, on money being payable at a distant period, &c. *Ibid.* ch. 10, § 11.

EXECUTORS.

If any thing is bequeathed to an executor by way of compensation, no allowance of commission shall be made, unless such compensation appears insufficient. *Ibid.* ch. 14, § 5.

Executors need not exhibit inventories or accounts, if they will give bond, &c. for the payment of all debts, claims and legacies. *Ibid.* § 6.

The naming an executor in a will shall not extinguish any just claim of the deceased against him. *Ibid.* ch. 8, § 20.

Mode of paying such claims. *Ibid.*

For other matters, see ADMINISTRATORS.

EXECUTRIX.

The bond of any executrix who is unmarried, and above eighteen, shall be binding, as if she was of the full age of twenty-one. 1798, No. 101, ch. 4, § 8.

All rules, &c. respecting an executor, shall apply to an executrix. *Ibid.* ch. 14, § 10.

EXPENCES.

Expences, (not personal,) may be allowed to executors or administrators in the recovery, or security of any part of the estate. 1798, No. 101, ch. 10, § 2.

EX POST FACTO.

No *ex post facto* law ought to be made. Decl. 15.

FACTS.

THE trial of facts where they arise is one of the greatest securities of the lives, liberties and estate of the people. Decl. 18.

FACTORS.

Mode of proof by them of claims against the estates of deceased persons. 1798, No. 101, ch. 9, § 10, 11.

For other matters, see BANKRUPTS. BRITISH MERCHANTS. LIMITATION OF ACTIONS.

FAIRS.

Penalty on persons holding a fair, or setting up a booth, at any public meeting, to sell or exchange any goods, &c. 1790, ch. 15, § 2, 3.

Not to prevent the sale of the produce or manufactures of any of the United States, or refreshments at courts or elections. *Ibid.* § 2.

Not to extend to licensed hawkers or pedlers, or to affect any charter or privilege granted to any city, town or body corporate. *Ibid.*

FALSE IMPRISONMENT.

Actions therefor to be brought within one year. 1715, ch. 23, § 2.

Cases in which sheriffs or gaolers keeping persons suspected as runaways in gaol shall be liable to actions of false imprisonment. *Ibid.* ch. 44, § 34.

FARO.

Tables for the purpose of gaming prohibited. 1797, ch. 110.

FATHER.

Cases in which the father shall take lands under the act to direct descents. 1786, ch. 45, § 2.

No relations excepting widow, child, grand-child, father, brother, sister or mother, shall be considered entitled to administration, unless they apply therefor. 1798, No. 101, ch. 5, § 7.

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