

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

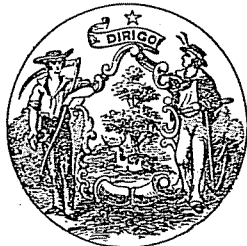
TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

# INDEX

## TO THE

# REVISED STATUTES.

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### ABANDONMENT,

of children, punishment for, § 20, 828. See *Desertion*.

### ABATEMENT,

of nuisances, process and proceedings therefor, §§ 1-30, 230-236. See *Nuisances*.

plea of, to indictment, to be verified by affidavit, § 18, 888.

of taxes, applications for, to be made to assessors within two years, § 68, 144.

on refusal of assessors to make, appeal allowed to county commissioners, § 69, 144.

appeal to county commissioners barred, unless list of estate given to assessors, § 66, 143.

towns may agree upon, for prompt payment, § 143, 157.

school district, may be made by assessors, § 44, 192.

parish, may authorize, for prompt payment, § 23, 209.

highway, what, may be made, for using wide wheels, and maintaining water-places, § 56, 250.

of writs, actions brought by wife, authorized by supreme judicial court to make contracts, not subject to, § 8, 492.

actions on probate bonds not subject to, by death, resignation or removal of judge, § 5, 555.

petitions for increase of damages, for locating, altering or discontinuing ways, not subject to, on death of petitioners, § 9, 240.

not caused by giving assumed name to unknown defendant, § 5, 616.

when actions are brought in wrong county, § 9, 617.

actions brought by officer for taking personal property attached, not defeated by death of either party, § 52, 625.

occurring for want of service, or any matter of form, new action may be commenced within six months notwithstanding limitation, § 87, 632.

plea of non joinder of parties to contracts, discharged by limitation, no cause for, § 95, 634.

and other process, not to be ordered for want of form or circumstantial errors, § 9, 639.

suits by bankrupts, when liable to, § 45, 645.

not caused by death or discharge from office of public officers while parties to the suit, § 16, 281; § 37, 644.

in all actions commenced by trial justice and by him heard or determined, § 29, 663.

in trustee process brought on judgment, on which execution might issue, if debtor has attachable property, § 85, 688.

collusively brought in county where neither plaintiff nor defendant resides, § 84, 688.

petition for partition of real estate, not subject to, on death of either party, § 12, 695.

complaint for flowing lands, not subject to, on death of either party, §§ 28, 29, 724.

in actions of dower, defendant may plead in, that he is not tenant of freehold, § 19, 759.

in real actions, defendant may plead in, that he is not tenant of the freehold, § 6, 762.

death or marriage of either party, no cause for, § 16, 763.

may be ordered in certain cases unless declaration is so amended as to include whole tract in dispute, § 21, 764.

or mixed actions, when new suit may be brought, notwithstanding expiration of limitation, § 12, 771.

actions by or against superintendent of reform school, not subject to, on vacancy in office, § 13, 926.

### ABDUCTION,

defined and penalty provided, § 13, 828.

### ABORTION,

penalty for procuring or attempting to procure, § 8, 849.

**ABSTRACTS,**

of titles and chapters, not legal provisions, § 4, 59.

**ABUSE,**

of female children under ten years of age, § 17, 828.

**ABUSES,**

and errors, supreme judicial court, has superintendence of inferior courts, for the correction and prevention of, § 3, 581.

**ACADEMIES,**

teachers of, to impress upon pupils principles of morality, patriotism and temperance, § 64, 198.  
incorporated, preceptors of, exempted from serving as jurors, § 3, 773.

**ACCEPTANCE,**

of bill of exchange, draft or order, not valid unless in writing, § 10, 329.

**ACCESSORIES,**

*before the fact*, seconds in a duel, resulting in death, declared to be, § 9, 826.

to larcenies, when punishable as common thieves, § 5, 833.

punished as principals, § 6, 872.

may be tried and convicted with or without the principals, § 6, 872.

*after the fact*, who are, and how punished, §§ 6, 7, 872.

where accessories, either before or after the fact, may be tried, § 5, 872.

**ACCIDENT,**

*Appellant*, from decision of commissioners of insolvency, failing by, to give notice or to prosecute appeal, court may allow him to begin suit, § 12, 530.

*Limitation*, in personal actions, in case of failure of service or return of writ, from unavoidable, extended six months, § 87, 632.

*Review*, may be granted, within six years, when it appears that justice has not been done by reason of, § 1, 699.

*On railroads*, inquest to be held on bodies of persons killed by, § 33, 455.

penalty if life lost by fault of corporation, § 36, 455.

railroad commissioners to investigate and report upon, § 78, 464.

*Steamboats*, stage coaches, and common carriers, same provision in regard to loss of life applicable to, § 7, 467.

*Supreme judicial court*, has chancery powers, for relief in cases of, § 5, 582.

**ACCOUNTS,**

against the state, to be audited by governor and council, and registered by secretary of state, § 14, 64.

*Auctioneers*, to keep, of sales, § 3, 332.

*Auditors*, may be appointed by court, when investigation of, required, § 62, 647.

*Clerk of courts*, to render, annually, to county treasurer, § 3, 595.

*County Commissioners*, how kept and settled by, §§ 18-22, 592, 593,

to be published in some newspaper in county and returned to secretary of state, § 19, 592.

*County treasurers*, to transmit copy of sheriffs', annually, to secretary of state, § 14, 171.

to render, annually, to county commissioners to be transmitted to secretary of state, § 15, 171.

*Debtors, poor*, disclosing, on mesne process, how assigned, § 14, 794.

on execution, how assigned, § 31, 798.

*Of fines and costs*, in criminal cases, 894-897. See *Fines and Costs*.

*Executors and administrators*, neglecting to settle, judge of probate may remove, § 21, 510.

when to be rendered by, § 53, 516.

what notice required, § 53, 516.

may be examined under oath relating to, § 53, 516.

what to render for, §§ 54, 55, 516.

may be allowed in, for monuments or grave stones, not to exceed \$20 in insolvent estates, § 57, 516.

what debts of deceased married women, may be allowed in, § 58, 516.

how private claims of, may be allowed in, § 61, 517.

person entrusted with estate of deceased person, may be cited to render, § 66, 518.

penalty for refusal or neglect, § 67, 518.

neglect to settle, within six months after report of commissioners of insolvency, deemed breach of bond, § 19, 531.

may be audited by judge, without notice, after distribution in insolvency, § 24, 531.

in case of failure of executor or administrator to render, and judgment in suit on bond, for what execution shall issue, § 15, 556.

by whom, oaths to, may be administered, §§ 11, 12, 498. See *Executors and Administrators*.

ACCOUNTS—*Continued.*

- Guardians* to settle, every three years, and when cited by judge § 19, 586.  
 rendered by two or more, may be allowed on oath of one, § 21, 587.  
 may be audited without notice after distribution in insolvency, § 24, 531. See *Guardians*.
- Indian agents*, to keep, to be audited annually by governor and council, § 9, 173.  
 of bounties paid to Indians for agricultural productions to be certified to governor and council, § 33, 177.
- Land agent*, to keep, with each township and tract of land, and settle annually with governor and council, § 13, 115.  
 all accounts of, to be audited annually by governor and council, § 48, 121.
- Masters*, of houses of correction, to keep, of earnings of prisoners, § 12, 920.
- Mutual*, and open, when cause of action on, accrues, § 84, 632.
- Pawnbrokers*, to keep, of particulars of loans, § 2, 334.
- Receivers*, of banks, to render, after payment of debts, § 68, 416.
- Sheriff*, to render, to county treasurer, § 20, 605.  
 deputies, to render, annually, § 19, 605.
- State treasurer*, to keep, of contingent funds, to be audited by governor and council, § 59, 72.  
 to report names of public officers, who have not settled, § 67, 73.  
 to present, to legislature annually, of state of treasury and of receipts and expenditures during the current year, § 66, 72.  
 to keep, with reserved land in each township, § 14, 115.
- Superintendent of reform school*, to keep, to be examined by trustees semi-annually, § 12, 925.
- Town treasurers*, to render to municipal officers, when required, § 152, 158.
- Treasurer, and steward of insane hospital*, to submit, to trustees, quarterly, § 5, 929.  
 of state agricultural society, to render, annually, § 8, 479.
- Trustees*, in possession of railroads to keep, of receipts and expenditures, § 51, 458.  
 of subsequent railroad mortgages, may be required by stockholders redeeming, to render, of receipts and expenditures, § 64, 461.  
 testamentary, not having given bond, to settle annually, § 2, 540.
- Warden, of state prison*, to keep, to be audited, by inspectors, § 8, 908.

## ACCUSED,

- of threatening an offence, persons found guilty, to give recognizance to keep the peace, § 2, 868.  
 examination of, and other proceedings before magistrates, §§ 9-13, 881, 882.  
 bail, arraignment and trial of persons, 886-889. See *Criminal cases, proceedings in court in*.

## ACKNOWLEDGMENT,

- of deed, given by settler on state lands to be made by grantor and his wife, § 37, 119.  
 of deeds, §§ 17-24, 561, 562. See *Conveyances by deed*.  
 of debt, to avoid limitation, must be in writing, § 93, 633.  
 by one joint contractor not to affect liability of another, § 93, 633.  
 of deeds and other contracts, appointment of commissioners to take, in other states, §§ 1-4, 785.  
 penalty for making false certificate of, § 9, 837.

## ACQUITTAL,

- when by reason of insanity, to be so stated in verdict of jury, § 2, 898.

## ACTIONS,

- pending at time of passage or repeal of acts, not affected thereby, § 3, 57.
- civil, supreme judicial court has cognizance of, § 2, 581.  
 jurisdiction of trial justices in, 659-663. See *Justices trial*.  
 of case. See *Case*.
- By and against corporations and stockholders.*
- against foreign corporations, how brought, § 16, 396.
- against stockholders, by execution creditor of corporation, § 26, 397.
- by stockholders, who have paid corporate debts, against corporation, § 31, 398.
- receivers of banks* may maintain, in their own names, § 67, 415.  
 not to be maintained against banks after appointment of, § 77, 417.
- against savings banks, married women or minors may maintain to recover the amount of their deposits, § 97, 421.  
 insolvent, not to be maintained after appointment of receivers, § 100, 422.
- against insurance companies, not to be limited to less than two years, § 62, 441.  
 service on agent sufficient, §§ 63, 64, 441.
- insolvent, creditors of, may maintain, against stockholders who have not paid in amount of their shares, § 6, 430.  
 receivers of, may maintain in their own names, § 53, 439.

**ACTIONS—Continued.**

*trustees under railroad mortgage*, in possession of road, may maintain, in their own names, § 50, 458.

*right of, against railroad corporation*, not defeated by foreclosure of mortgage, § 69, 462.

by or against proprietors of aqueducts, after dissolution of corporation, §§ 9, 470.

by and against proprietors of lands and wharves in common, § 6, 10, 474, 475.  
of debt. See *Debt*.

*Relating to intoxicating liquors.*

to recover liquors seized or damages therefor, barred, by judgment on seizure, § 43, 307.

price of liquors sold, not maintainable, § 50, 309.

when maintainable, on note given therefor, § 50, 309.

against officers, for neglect to serve process under the liquor law, § 55, 311.

*married women*, may maintain, to recover wages, § 3, 492.

for preservation and protection of their property, § 5, 492.

by or against, during absence of husband, or his confinement in prison, not abated by his return or release, § 8, 492.

*Mortgages and liens.*

at law, to foreclose mortgages of real estate, § 3, 703.

mode of declaring in, § 7, 704.

against whom brought, § 12, 705.

to enforce liens on vessels, how entered on docket, § 13, 714.

on lime, lime-rock and slate, § 26, 716.

on buildings and lots, limitation of, §§ 31, 32, 717.

on logs and lumber, § 35, 718.

*nuisances*, to recover damages for maintenance of, § 12, 232.

*Against officers.*

for official misconduct of sheriff survive, § 11, 603.

indorsement of writ, costs, proceedings and judgment in suits on bonds of sheriffs, § 12, 603,  
§ 15, 604.

where such suits to be brought, § 10, 617.

on bonds of coroners, § 41, 608.

of constables, § 44, 609.

*limited partnership*, general partners to prosecute and defend suits by and against, § 8, 331.

*Relating to paupers.*

town incurring expense for pauper supplies may recover of town liable, § 24, 283.

overseers of the poor, may maintain, on indentures by which pauper children are bound, § 16, 281.

when children bound by, may maintain, against masters, § 17, 281.

may prosecute and defend towns, in all matters relating to paupers, § 36, 284.

*Real and relating to real estate.*

of dower, 756-760.

writ in, may be served by attachment, § 1, 761.

entry, writ of, 761-768

may be served by attachment, § 1, 761.

for foreclosure and redemption of mortgages, 702-708.

of forcible entry and detainer, 729-730,

for partition of lands, 694-697.

informations for intrusion, 726-728.

of waste and trespass on real estate, 731-734.

to recover damage for flowing lands, restrictions upon, § 23, 724.

limitation of real actions and rights of entry, 769-771.

of replevin, 734-737. See *Replevin of beasts and chattels*.

*By and against school districts*, § 16, 186.

*Relating to taxes.*

by town treasurer, against banks, paying dividends after assessment of taxes on stock,  
§ 36, 137.

to contest title to lands, in unincorporated places, sold for non-payment of assessments for  
roads, not maintainable, till assessments paid with costs, § 57, 142.

may be brought by collectors to recover taxes due, §§ 113, 115, 151.

against towns, to recover sums paid for taxes, illegally assessed, § 114, 151; § 163, 161.

by citizens whose property has been taken for state or county taxes, § 157, 159.

to contest validity of sales of lands for taxes, not maintainable, till taxes and charges paid,  
§ 162, 161; § 174, 165.

## ACTIONS—Continued.

of trespass. See *Trespass*.

*Trustee process.*

personal, may be commenced by trustee process, exceptions, § 1, 675.

by principal defendant against trustee, not barred by proceedings in trustee process, § 66, 685.

except to the amount of payments made by trustee, § 76, 686.

of debt on judgment, on which execution might issue, abated if defendant has visible property, § 85, 688.

*Ways*, to recover damages for location of, § 31, 245.

for injuries caused by defects in, § 65, 251.

*Miscellaneous.*

for breach of regulations of state library, may be brought by librarian, § 79, 74.

against towns, to recover value of infected cattle killed by their order, § 48, 223.

to recover forfeitures under the law relating to impounding beasts, limitations, § 22, 276.

when deemed pending for purpose of taking depositions, § 3, 777.

when not maintainable, unless on contracts in writing, § 1, 786.

on poor debtor bonds, limitation of, § 49, 801.

to recover stolen property, may be maintained, though thief not convicted, § 12, 834.

money lost by gambling, § 4, 856.

on recognizances, in criminal cases, not defeated by errors of form, § 22, 883.

by or against warden of state prison, § 21, 911.

superintendent of reform school, § 13, 926.

## ACTIONS, COMMENCEMENT OF CIVIL; INDORSEMENT AND SERVICE OF WRITS; ATTACHMENT OF PROPERTY; ARRESTS; AND LIMITATION OF CIVIL ACTIONS.

CHAP. 81, 616-634.

## FORMS AND REQUISITES OF WRITS, 616.

*Writs*, forms of, in civil actions, remain as they are, § 1, 616.

supreme judicial court by general rules may change, § 1, 616.

all civil actions to be commenced by original, except *seire facias* and other special, § 2, 616.

*original*, in S. J. court, may be issued by the clerk in term time or vacation, § 2, 616.

how framed, § 2, 616.

issued by clerk in one county, may be made returnable in any other county, § 2, 616.

and summons in actions against corporations, and in other cases where goods or estates

are attached, and defendant not liable to arrest, may be combined, § 2, 616.

issued by trial justice or municipal or police court, to be signed and sealed, § 3, 616.

*of seire facias*, may authorize attachment and arrest, § 4, 616.

name of defendant unknown, may issue against him by an assumed name, § 5, 616.

not to be abated in such case, but may be amended, § 5, 616.

## INDORSEMENT OF WRITS, 616, 617.

*Writs*, what, must be indorsed, when plaintiff resides out of state, § 6, 616.

bill in equity, petition for certiorari, review or partition to be indorsed, § 6, 616.

indorser of, not required, if one plaintiff or petitioner resides in state, except by order of court, § 6, 616.

to be indorsed, if, pending suit, plaintiff or petitioner removes from state, § 6, 616.

*liability of indorser*, § 7, 616.

to be enforced by suit, within one year, after original judgment, § 7, 616, 617.

return of officer, upon original execution, conclusive evidence of liability of indorser, § 7, 617.

*new indorser of*, when required, § 8, 617.

liable for costs from beginning of suit, § 8, 617.

if not procured, action to be dismissed, § 8, 617.

## WRITS, HOW SERVED ON RESIDENTS, 618, 619.

*Service*, when goods or estate are attached, except in trustee process, may be made by separate summons, § 16, 618.

by original summons, may be made by reading or leaving a copy, § 17, 618.

on county, town, parish, religious society or school district, § 18, 618.

on other corporations, § 18, 618.

to be made on corporations thirty days before return day of writ, § 18, 619.

on individuals fourteen days before return day of writ, § 16, 618.

on person whose name is unknown, valid, and writ may be amended, § 5, 616.

of civil process, on Lord's day, void, § 78, 631.

ACTIONS, CIVIL, COMMENCEMENT OF—*Continued.*

HOW SERVED ON NON-RESIDENTS, 619.

- Service*, if defendant not an inhabitant of state, may be made on tenant, agent or attorney, § 19, 619.
- if goods or estate are attached and defendant, residing out of state, has no tenant, agent or attorney, may be made by order of court, § 19, 619; § 12, 617.
- in like cases, may be made by order of trial justice or judge of municipal or police court, § 19, 619.
- on foreign insurance and express companies, § 20, 619.
- defective*, without fault of plaintiff or his attorney, new service may be ordered by court, and shall be effectual, § 21, 619.
- Actions civil*, form of writs in, to remain as they are, § 1, 616.
- supreme judicial court by general rules may change, § 1, 616.
- may be commenced by original writs; exception, of scire facias and other special writs. § 2, 616.
- when attachments and arrests are authorized in, § 2, 616.
- when name of defendant in, is unknown, writ may issue against him, in assumed name, § 5, 616.
- personal and transitory*, where to be brought, if both parties live in the state, § 9, 617.
- where to be brought, if plaintiff resides out of state, § 9, 617.
- abated and double costs allowed, if not so brought, § 9, 617.
- if plaintiff and defendant reside in different counties at commencement of, and afterwards one moves into same county with the other, suit may be transferred to that county, § 9, 617.
- on bonds of sheriffs*, and coroners, where brought, § 10, 617.
- of debt on judgment*, where brought, § 11, 617.
- jurisdiction in, sustained, if goods, estate, effects or credits in the state are attached, § 12, 617.
- service of writ in, in such case, how made, § 12, 617; § 19, 619.
- local and transitory*, in which counties, towns, parishes, school districts and other corporations are parties, where brought, § 13, 617, 618.
- for recovery of forfeitures, in what county brought, § 14, 618.
- before trial justice*, municipal or police court, against two or more defendants, residing in different counties, may be brought in county where either resides, § 15, 618.
- writ and execution, in such case, how directed and executed, § 15, 618.
- if but one defendant, such action to be brought in county where he resides, § 15, 618.
- time, when writs are made, with intention of service, deemed commencement of, § 91, 683.
- not abated*, by non-joinder of such parties to, as are discharged by limitation, § 95, 684.

ATTACHMENT OF PERSONAL PROPERTY, 619-625.

- Attachments*, what personal property subject to, § 22, 619.
- articles not subject to, at common law, exempt from, § 22, 619.
- of personal property*, may be made on writs issued by trial justice, or municipal or police court, § 22, 619.
- of hay in barn*, horses and neat cattle, left in defendant's possession on security given, not subject to second, to prejudice of first, § 23, 620.
- of personal property*, not immediately removable, preserved by record in town clerk's office, § 24, 620.
- return of officer and record of clerk, how made, § 24, 620.
- in unincorporated place, may be preserved by record in office of clerk of oldest adjoining town, § 24, 620.
- of shares*, in a corporation, made by leaving copy of writ and notice of attachment with officer thereof, § 25, 620.
- constitute lien thereon, and on accruing dividends, § 25, 620.
- officer making, may require certificate of shares owned by defendant, § 25, 620.
- liability of corporate officers for refusal, § 25, 620.
- franchise*, right to take toll, and all other property of corporation, subject to; how made, § 26, 620.
- different*, may be made on same writ, in one or more counties, by different officers, but not after service of summons, § 27, 620.
- of personal property*, attached by coroner, may be made by sheriff, deputy or constable, subject to first, and vice versa, § 27, 620.
- how made in such case, § 27, 620.



ACTIONS, CIVIL, COMMENCEMENT OF—*Continued.**Attachments,*

*of personal property* attached by constable, may be made by coroner or deputy in like manner, § 27, 621.

may be made on writs of scire facias, § 4, 616.

WHEN PERSONAL PROPERTY ATTACHED MAY BE SOLD ON WRIT, 621-623

*Personal property attached*, may be sold by consent of parties interested, § 28, 621.

by different officers, may be sold by first attaching, § 28, 621.

how sold, in case of death of first attaching officer, § 28, 621.

to be sold, as on execution, § 28, 621.

*proceeds of*, held subject to attachment, § 28, 621.

*living animals, goods perishable or kept at great expense*, sold without consent, § 29, 621.

appraisal, notice, oath and proceedings, §§ 29-31, 621.

may be delivered to defendant on deposit of appraised value or giving bond, § 32, 621.

bond, conditions of; to be returned with writ, § 32, 621.

*attaching creditors*, may bring suit on such bond and shall indorse writ, § 33, 622.

if judgment for defendant, executions for costs, how issued, § 33, 622,

for plaintiffs, money recovered, how applied, § 33, 622,

priority of execution, to be given to prior, though not parties to suit on bond, § 33, 622.

right of, to become parties to suit on bond on motion and indorsement of writ, § 34, 622.

whose cause of action, accrued more than one year prior to suit on bond, not to have judgment, § 34, 622.

within a year after cause of action accrued, may bring scire facias on judgment and recover amount due on bond, § 34, 622.

either may demand satisfaction of judgment, from proceeds of sale, if enough remains to satisfy prior attachments, § 37, 622.

if not delivered to debtor, after appraisal, officer to sell, make return and hold proceeds, § 35, 622.

*proceeds of such sale*, attachable in officers hands, subject to prior attachments, § 36, 622.

surplus, after satisfying all attachments, to be paid to debtor, § 36, 622.

either attaching creditor may demand satisfaction of his judgment from, if enough remains to satisfy prior attachments, § 37, 622.

*claimed by third person*, claimant must replevy within ten days after notice, § 38, 622.

if not so replevied, may be sold by consent of creditors, without impairing rights of claimant, unless debtor forbids, § 38, 622-623.

HOW PROPERTY OF PART OWNERS ATTACHED MAY BE DISPOSED OF, 623.

*Personal property attached*, in suit against one or more part owners, may be appraised on request of another part owner, § 39, 623.

may be delivered to such part owner, on his giving bond, § 39, 623.

conditions of bond, § 39, 623.

return of bond with writ and remedies thereon, § 39, 623.

part owner paying any part of such appraised value, to have lien on defendant's share therefor, § 40, 623.

may sell it, if not redeemed, § 40, 623.

defendant's share restored, if attachment dissolved, § 40, 623.

ATTACHMENT OF PROPERTY MORTGAGED OR PLEDGED, 623, 624.

*Attachment*, personal property not exempt from, mortgaged, pledged or subject to lien may be attached, § 41, 623.

*attaching creditor* to pay mortgagee, pledgee or holder's demand, § 41, 623.

when personal property attached, or seized on execution is claimed by virtue of such mortgage, pledge or lien, no action can be brought against officer, until 48 hours after written notice, § 42, 623.

*officer making or creditor*, may in that time discharge the claim, or remove the property, § 42, 623.

may give claimant written notice of, § 43, 623.

if claimant does not, within ten days after such notice give statement of his claim, he waives his right, § 43, 623.

penalty for false statement, § 43, 623.

*if creditor making*, redeems such property, that amount first to be re-paid on sale, and balance applied to debt, § 44, 623.

WHEN ATTACHING OFFICER DIES, IS REMOVED OR PROPERTY IS REPLEVIED, 624.

*Attachment*, of personal property, continues after death of officer, § 45, 624.

ACTIONS, CIVIL, COMMENCEMENT OF—*Continued.*

*Attachment*, goods in possession of officer at his death, and his claim for damages when taken from him remain subject to, § 45, 624.

not to be considered assets of his estate, § 45, 624.

*Property replevied* from officer, liable to other, as if in his possession, § 46, 624.

plaintiff in replevin liable for whole value of property, if judgment for return, though some attachments were made after replevin, § 46, 624.

*if officer dies* or is removed while attachment in force, attached property, whether in possession of officer at his removal or death, or replevied from him, or its proceeds, liable to farther attachments by other officers, § 47, 624.

in such case how made, § 47, 624.

goods, replevied from attaching officer subject to farther, only as above provided. Exception, § 48, 624.

ATTACHMENTS AND ACTIONS, IN CASE OF DEATH OF A PARTY, 624, 625.

*Attachment*, death of debtor does not dissolve, unless estate represented insolvent, before sale on execution, § 49, 624.

*dissolved* by decree of insolvency, and property to be returned to administrator or executor on demand, § 49, 624.

if sold on execution, after such decree and before demand, officer liable for proceeds, § 50, 625.

judgment creditor so liable, if proceeds have been paid to him, § 50, 625.

*Set off*, not allowed in action for proceeds, § 50, 625.

*Officer*, holding property under, on death of debtor, to give executor or administrator, on demand, copy of return and description of property attached, § 51, 625.

to allow appraisal of such property, § 51, 625.

penalty for refusal, § 51, 625.

*Actions, by officers*, for taking goods under attachment, not to abate by death of either party, § 52, 625.

may be prosecuted by or against executor or administrator, § 52, 625.

*plaintiff recovering judgment*, property or proceeds, how appropriated, § 52, 625.

*defendant prevailing*, officer or his representative to return the property or pay the damages in full, though his estate insolvent, § 52, 625.

pending for or against deceased officer, authorized to serve precepts, for official misconduct, and no administration on his estate granted, party in interest may prosecute or defend, § 53, 625.

ATTACHMENT OF REAL ESTATE. 625, 626.

*Attachment*, all real estate that may be taken on execution, subject to, § 54, 625.

right to cut grass and timber, on land sold by Maine or Massachusetts, the soil of which is not sold, and all other rights and interests in real estate, liable to, § 54, 625.

*officer making*, on real estate, need not enter or view, § 54, 625.

*on equity of redemption*, if estate redeemed before levy, holds the premises free, § 55, 625.

*not valid*, unless nature and amount of plaintiff's demand is specified in writ, § 56, 626.

unless recorded in registry of deeds within five days, § 56, 626.

what record shall contain, § 56, 626.

*takes effect*, from the time of record, though after five days, if before entry of action, § 56, 626.

manner of filing return of, in register's office, § 56, 626.

*on equity of redemption*, or right to conveyance by contract, plaintiff may pay amount required to redeem or to fulfil contract, and such title shall vest in plaintiff, subject to defendant's right to redeem, § 57, 626.

such redemption, from incumbrance or fulfilment of contract by defendant shall not affect, § 57, 626.

to continue in force, and prior incumbrance, as against it, deemed discharged, § 57, 626.

*creditor making*, may demand written statement of amount due on prior incumbrance, or on contract to convey, and on payment thereof, shall receive release, § 58, 626.

such release or conveyance may be compelled in equity, § 58, 626.

what it shall recite, § 58, 626.

what title plaintiff acquires thereby, and when he may convey, § 58, 626.

PROPERTY EXEMPT FROM ATTACHMENT, 626, 627.

*Attachment*, specifications of articles of personal property, exempt from, § 59, 626, 627.

ACTIONS, CIVIL, COMMENCEMENT OF—*Continued.*

## HOMESTEADS EXEMPT FROM ATTACHMENT, 628.

*Attachment*, land and dwelling-house, property of householder in possession, exempt from, § 60, 628.

proceedings requisite to secure such exemption, § 61, 628.

so much of such property as does not exceed \$500. in value, only, exempt, § 61, 628.

proceedings when part, not exempted, is taken on execution, § 62, 628.

premises exempted from, to be occupied by widow and children, during widowhood and minority, free from claims of creditors, § 63, 628.

*Lien* of mechanics and material men, such premises not exempt from, § 63, 628.

## HOW AND WHEN ATTACHMENTS ARE DISSOLVED, 628-630.

*Attachment* not to continue more than thirty days after judgment in original suit. Exception, § 64, 628.

*dissolved* by final judgment in favor of defendant, § 65, 628.

by decree of insolvency of defendant's estate, before levy or sale, § 65, 628.

by reference of suit and all demands, and judgment on report of referees, § 65, 629.

by amendment, by consent of parties, increasing the claim, and judgment for plaintiff thereon, unless record shows that no claims were allowed not originally stated in writ, § 65, 629.

*clerk of court* may give certificate of dissolution of, to be recorded by register of deeds, fee of clerk, § 66, 629.

*plaintiff* may enter discharge of, on margin of record, § 66, 629.

may give certificate signed, sealed and acknowledged, that attachment is wholly or in part discharged, § 66, 629.

*Register of deeds* to record such certificate, fees of register, § 66, 629.

*Defendant* whose interest in real estate is under, may petition justice of supreme judicial court, for its release from, § 67, 629.

what petition shall set forth, notice and proceedings, § § 67, 68, 629.

justice to find the value of such interest and release from, on bond given, § 68, 629.

conditions of bond, § 68, 629.

petition and proceedings to be filed and recorded in office of clerk of courts, § 69, 629.

bond to be filed in same office, § 69, 629.

*record*, of attested copy of petition and proceedings, and of certificate of filing of bond, in office of register of deeds, vacates, § 70, 630.

similar proceedings to vacate, of stock and other personal property, § 71, 630.

officer in possession to be notified of hearing, § 71, 630.

delivery of such copy and certificate to officer in possession, vacates, § 71, 630.

filing of same with corporate officer or town clerk, vacates, when property attached is stock or property attachable by record in town clerk's office, § 71, 630.

*foreign*, similar proceedings to vacate § 72, 630.

bond to plaintiff, conditions of, § 72, 630.

to trustee, conditions of, § 72, 630.

when approved, to be filed in clerk's office, § 72, 630.

delivery of such copy and certificate, to trustees, dissolves, § 72, 630.

*fees*, of clerk, register and officer, in proceedings for vacating attachments, § 73, 630.

to be recovered, as costs, by prevailing party, § 73, 630.

## CROSS ACTIONS AGAINST NON-RESIDENTS, 630, 631.

*Cross action*, may be brought by defendant in suit, in which plaintiff is not an inhabitant of this state, and cannot be found therein, if the demands in the two cases are of such a nature that the executions can be set off, § 74, 631.

several defendants in original action, each may bring, and set off judgment, § 74, 631.

*Service of writ in*, made on attorney sufficient, § 74, 631.

court may grant continuances in, to enable absent party to defend, or either to set off judgments or executions § 75, 631.

## DAYS ON WHICH NO ARRESTS CAN BE MADE OR PROCESS SERVED, 631.

*Arrest in civil suits*, or on warrants for taxes, not to be made on certain days, § 76, 631.

*Officers and soldiers*, exempt from, on days of military trainings, reviews or elections, § 76, 631.

*Electors*, not subject to, on election days, except for treason, felony or breach of the peace, § 77, 631.

*Process, civil*, not to be served on the Lord's day, § 78, 631.

such service void, and party serving, liable in damages, § 78, 631.

ACTIONS, CIVIL, PROCEEDINGS IN COURT IN.

LIMITATION OF PERSONAL ACTIONS, 631-634.

- Actions personal*, what must be commenced within six years, § 79, 631.
  - for the escape of prisoners*, committed on execution to be within one year, § 80, 632.
  - against sheriff*, for negligence or misconduct to be within four years, § 80, 632.
  - for assault and battery*, false imprisonment, slander and libels, to be within two years, § 81, 632.
  - scire facias*, on bail, within one year after judgment, § 82, 632.
  - against sureties*, in recognizances in criminal cases, within one year after default of principal, § 82, 632.
  - against trustees*, within one year from expiration of first execution against principal, § 82, 632.
  - of case*, against indorser of writ, within one year, § 7, 616.
  - limitations of*, not to apply to witnessed or bank notes, § 83, 632.
    - nor to suits otherwise limited by statute, § 83, 632.
  - of debt or assumpsit*, to recover the balance due on mutual and open accounts current, when limitation applies, § 84, 632.
  - parties under disability*, may bring, within the time limited, after disability is removed, § 85, 632.
  - not otherwise limited to be brought within twenty years, § 86, 632.
  - writ failing of service*, or abated, or otherwise defeated for any matter of form, or if judgment for plaintiff is reversed on error, new action may be brought within six months, § 87, 632.
  - when defeated by death of party*, and cause of action survives, executor or administrator may bring new suit within six months, § 87, 633.
  - in case of death of party*, entitled to bring or liable to action, before or within thirty days after expiration of limitation, action may be brought by or against administrator or executor within two years, § 88, 633.
  - alien enemies*, rights of, saved during war, § 89, 633.
  - Acknowledgment*, of debt, to avoid limitation must be in writing, § 93, 633.
    - made by one joint contractor, not to affect liability of another, § 93, 633.
  - Defendant*, out of state, provisions respecting limitations of actions against, § 99, 634.
  - Fraud*, action for, limited to six years after knowledge, § 92, 633.
    - cause of action concealed by, suit may be brought within six years after discovery, § 92, 633.
  - Indorsement*, of partial payments, effect of, § 96, 634.
    - made by one joint contractor, not to affect the liability of another, § 96, 634.
  - Non-joinder* of parties to contracts, discharged by limitation, not cause for abatement, § 95, 634.
  - Payment*, of amount due on judgments and decrees of court presumed after twenty years, § 97, 634.
    - partial, effect of, on limitation of actions, § 96, 634.
    - by one joint contractor, not to affect the liability of another, § 96, 634.
  - Promise, renewal of*, must be in writing, § 93, 633.
    - made by one joint contractor, not to affect liability of another, § 93, 633.
    - plaintiff, barred against one contractor, but entitled to recover against another by virtue of new, or otherwise, judgment how rendered, § 94, 633.
  - Set-offs*, provisions respecting limitations applicable to, § 98, 634.
  - Suits*, to commence when writs are made with intention of service, § 91, 633.
  - State*, limitations of actions against defendant, absent from, § 99, 634.
  - Writ*, time of making, with intention of service, deemed commencement of action, § 91, 634.

ACTIONS, CIVIL, PROCEEDINGS IN COURT IN. CHAP. 82, 635-657.

- Actions*, to be entered on first day of term, § 1, 638.
  - court may order further notice to defendant, § 1, 638.
  - default of*, when it may be recorded, when it may be taken off, §§ 2, 3, 638, 639.
  - defendant in, out of state* and notice not appearing, case to be continued, § 3, 639.
    - not inhabitant of state, court may order continuance, § 3, 639.
    - defaulted without notice of suit, execution to be stayed one year, § 4, 639.
    - execution may be issued on plaintiff's filing bond with clerk, § 4, 639.
    - sufficiency of bond determined by clerk, subject to appeal to court, § 5, 639.
  - review* of such action may be granted to defendant, § 5, 639.
  - appeals in*, from justice courts, not entered by mistake, how allowed, § 6, 639.
  - petitions therefor must be presented within one year, § 7, 639.

ACTIONS, CIVIL, PROCEEDINGS IN COURT IN.—*Continued.**Actions.*

- attachment or bail* not revived by such proceedings, § 7, 639.  
 original papers except writ to be sent up, § 8, 639.  
 on contract, several breaches may be assigned, § 16, 640.  
 performance generally may be alleged, § 16, 941.  
*general issue* may be pleaded in, and brief statement or special pleas filed, § 18, 641.  
*demurrers* to declarations, when filed, not to be withdrawn, § 19, 641.  
     overruled, defendant may plead again on payment of costs, § 19, 641.  
*exceptions* deemed frivolous, treble costs may be awarded, § 19, 641.  
 judgment how entered on decision in case of demurrers, § 19, 641.  
*of trespass*, and trespass on the case, distinction abolished, § 12, 640.  
     defendant may plead that the trespass was involuntary, prove tender of damages, or bring money into court, § 20, 641, 642.  
     truth of allegations established, defendant to recover costs, § 20, 642.  
 in any personal action defendant may offer to be defaulted, effect of such offer, § 21, 642.  
*joinder* of good and bad counts in, after recording of *general verdict*, no cause of reversal on writ of error, § 25, 642.  
*on bond or contract* in a penal sum, jury finding condition broken shall assess damages, § 27, 642, 643.  
*interest* allowed in actions on judgments, § 28, 643.  
 commenced by a public officer, not abated by his ceasing to hold office, may be maintained by successor, § 37, 644.  
 not maintainable, if demand was fully discharged by partial payment, § 38, 644.  
*Appeals*, from inferior courts, when not entered, by mistake, petitions for, to be presented within one year, § 7, 639.  
     *attachment and bail* not revived by allowance of, § 7, 639.  
     original papers to be sent up, except writs, § 8, 639.  
     *quarter costs* in certain cases, § 105, 654.  
*Arrests of judgment*, in civil actions not to be allowed, § 26, 642.  
*Assignee*, of a grantee, when an action may be maintained by, § 15, 640.  
     prior grantee in such cases has no power to release covenants of first grantor, § 15, 640.  
*Attachment*, made to defraud or delay creditors, void, § 44, 645.  
*Bankrupts*, may sue in their own name, assent of assignee being filed in clerk's office, § 45, 645.  
     actions against, to be disposed of under ordinary rules of court if actual attachment of property was made four months before filing petition, § 46, 645.  
     actions against, when shall be continued, § 47, 645.  
*Day's labor*, legal, ten hours, except for monthly labor or agricultural employments, § 36, 644.  
*Damages*, on protests of bills of exchange, specified, § 5, 643, 644.  
*Death of a party*, suggested on record, executor or administrator may prosecute or be summoned to defend suit, § 30, 643.  
     suggested on record, and executor or administrator neglecting to appear, judgment may be entered by nonsuit or default, § 30, 643.  
     if suit is in equity, executor, administrator or heirs at law may be summoned, § 30, 643.  
*Evidence*. 650. See *Witnesses and evidence*.  
*Guardians ad litem*, appointed by court for a party becoming insane, § 32, 643.  
*Husband*, of a woman married after becoming party to a suit, may be admitted as a party, § 31, 643.  
*Judge*, not disqualified to sit in trial by residence in a town or county interested in suit, if adverse party waives objections, § 29, 643.  
*Libel*, evidence of truth shall be admitted, § 24, 642.  
     truth of, established, a justification, unless originating in corrupt or malicious motives, § 24, 642.  
*Offer*, to be defaulted and the effect thereof, § 21, 642.  
*Penalties*, legal, recoverable by action of debt, § 14, 640.  
*Processes*, or proceedings in court, not abatable for want of form, or circumstantial errors or mistakes, § 9, 639.  
     may be amended on motion, § 9, 639.  
     *writ lost* or destroyed after service, court may allow new, § 10, 640.  
*Property*, of a deceased debtor liable in an action on a joint contract, § 23, 642.  
*Subsequent attaching creditor* may petition to defend prior suit, § 39, 644.  
     leave granted, may be admitted to defend on giving bond, § 40, 544.

ACTIONS, CIVIL, PROCEEDINGS IN COURT IN—*Continued.*

- failing*, in defence, execution to issue against him on his recognizance for damages and costs, § 41, 644.
- prevailing*, judgment how rendered, § 42, 644.
- judgment in such prior suit rendered since April 9, 1856, plaintiff in subsequent suit, giving bond, may have writ of review, § 43, 644.
- Tender, of default*, for a specified sum, effect of, § 22, 642.
- may be made after action brought and before entry, effect of such tender, § 22, 642.
- towns may make, before commencement of action or entry of same, or offer to be defaulted, § 22, 642.
- Treasurers*, of state, counties, towns and corporations, may maintain and defend suits in their own names, § 13, 640.
- Trespasses*, on property, in actions for, court and jury to find whether committed wilfully, § 34, 643.
- Trespass*, and trespass on the case, distinction abolished, § 12, 640.
- Treble costs*, awarded, when exceptions are deemed frivolous, § 19, 641; § 33, 643.
- on a motion, to set aside a verdict, against law and evidence, intended for delay, § 33, 643.
- Verdict*, on motion to set aside, evidence to be reported and signed by presiding judge, § 33, 643.
- for frivolous causes, double or treble costs may be awarded, § 33, 643.
- Writ or process*, lost or destroyed, court may allow new, § 10, 640.
- two or more defendants included, may be amended by striking out one on payment of costs, § 11, 640.
- founded on contract, express or implied, may be amended by inserting additional defendants, § 11, 640.

SET-OFF, 645.

- Demands, in set-off*, between plaintiffs and defendants, § 48, 645.
- defendant to file brief statement of, first day of term, § 48, 645.
- clerk to enter notice of filing, on docket, before new entries are called, § 48, 645.
- described, that may be set-off, § 49, 645.
- must be due from all the plaintiffs, § 50, 646.
- against plaintiff assigned to defendant, when allowed, § 51, 646.
- defendant having notice of assignment cannot have subsequently accruing demand set-off, § 52, 646.
- in suits by one for another, demand against the latter may be set-off, § 53, 646.
- sums equitably due on bond or contract only can be set-off, § 54, 646.
- due from a deceased person, how set-off, § 55, 646.
- against insolvent estate*, must be presented to commissioners, § 55, 646.
- in actions by or against executors or administrators, § 56, 646.
- in actions brought by executors or administrators of insolvent estates, and proceedings therein, § 57, 646.
- pleadings and issue in cases of set-off, § 58, 647.
- when filed, case cannot be discontinued, § 59, 647.
- statute of limitations applicable to, § 59, 647.
- costs in cases of set-off, § 60, 647; § 108, 654.
- judgment for debt cannot be recovered against plaintiff if demand was assigned to him before commencement of suit, § 60, 647.
- in municipal and police courts* and before trial justice, § 61, 647.

AUDITORS, 647.

- Auditors*, may be appointed by court to investigate accounts, § 62, 647.
- shall notify parties of time and place of hearing, § 62, 647.
- may summon and compel attendance of witnesses, § 62, 647.
- when more than one, all must hear, § 63, 647.
- majority may report, § 63, 647.
- report of*, may be recommitted, § 63, 647.
- may be discharged and others appointed, § 63, 647.
- their compensation, to be paid by plaintiff, § 63, 647.
- report of*, evidence, subject to disapproval, § 64, 647.
- defendant unreasonably neglecting to appear or to account, auditors to certify fact, § 65, 647.
- court in such case to enter default and cause damages to be assessed by jury, § 65, 647.

ACTIONS, CIVIL, PROCEEDINGS IN COURT IN—*Continued.*

## JURIES, 648.

- Jurors*, traverse, how arranged, impaneled, and sworn, § 66, 648.  
 appointment of foreman, § 66, 648.  
 supernumeraries, transfers of jurors and excuses, § 67, 648.  
 oath, form of, § 68, 648.  
 how to choose a foreman, § 69, 648.  
 talesmen, how selected and returned, § 70, 649.  
 new venires for, may be issued, jurors drawn and summoned in term time, § 71, 649.  
*challenges of*, how allowed, § 66, 648.  
 peremptory challenges, how made, § 73, 649.  
 not disqualified in prosecution for forfeitures by interest as inhabitant, § 76, 649.  
 objections to, how tried, § 72, 649.  
 to be made before trial, if known, § 77, 650.  
*Jury*, may find general or special verdict, § 74, 649.  
 unable to agree, may be further instructed or discharged, § 75, 649.  
 shall not be sent out the third time, § 75, 649.  
*Verdict*, not affected by irregularity in returning jurors, § 78, 650.  
 may be set aside for improper practices with jurors, § 79, 650.

## WITNESSES AND EVIDENCE, 650.

- Witnesses*, who may issue summons for, § 80, 650.  
 religious belief not to affect competency, § 81, 650.  
 disbeliever in Supreme Being, permitted to testify, under solemn affirmation, § 81, 650.  
*parties* and others interested may testify, interest to affect credibility only, § 82, 650.  
 when husband and wife may be witnesses, § 82, 650.  
 defendant not required to testify, when cause of action implies an offence, § 83, 650.  
 if defendant offers himself as a witness in an action implying an offence against the criminal law he waives his privilege of not criminating himself, § 83, 650.  
*attestation of wills* and other instruments not affected by power given to parties or persons interested to testify, § 84, 651.  
*party*, out of the state, testimony how taken, § 85, 651.  
 testifying may be contradicted or discredited, § 86, 651.  
 provisions of law allowing parties to testify, not applicable to executors, administrators, or heirs, except in special cases, § 87, 651.  
 when executors and administrators, or adverse parties may be witnesses, § 87, 651.  
 when one or either of the representative parties are nominal, both parties may be witnesses, § 87, 651.  
 duly summoned, neglecting to attend, liable to party for all damages sustained thereby, § 90, 652.  
 capias may issue, § 90, 652.  
 may also be fined, § 90, 652.  
 adverse party may testify, when account books or other memoranda, of deceased person are used in evidence, § 87, 652.  
 refusing to answer, may be fined, § 91, 652.  
 oaths, how to be administered, § 92, 652.  
 scrupulous of swearing, may affirm, § 93, 652.  
 persons convicted of infamous crimes, not incompetent, § 94, 652.  
 not obliged to attend unless fees for travel and one day's attendance are paid in advance, § 95, 652.  
*Evidence*, rules respecting admission of parties and persons interested to testify, §§ 82-86, 650, 651.  
 when executors and administrators are parties, § 87, 651.  
*deposition*, of a party deceased may be used after his death, § 87, 651.  
 opposite party in such cases may testify, § 87, 651.  
*records* of any court in United States, authenticated by attestation of clerk and seal of court, admitted, § 96, 652.  
*printed copies* of statutes of this or other states, purporting to be published by authority, admitted, § 97, 653.  
 of this state sufficient, of other states *prima facie*, § 97, 653.  
*foreign laws* when proved by parol, § 98, 653.  
*unwritten laws* of other states proved by parol and by books of reports, § 98, 653.  
*office copies of deeds* admissible in certain cases, § 99, 653.

ACTIONS, CIVIL, PROCEEDINGS IN COURT IN—*Continued.*

of consular and custom house documents and records are evidence, § 100, 653.  
*adjutant general's certificate* may be evidence in certain cases, § 101, 653.  
 testimony of a deceased subscribing witness or magistrate to a deed, may be given in subsequent suit in certain cases, § 102, 653.

COSTS, 654.

*Costs*, additional defendants, not liable for, before service on them, § 11, 640.  
 prevailing party to recover, § 104, 654.  
 on *appeal* from justice court by plaintiff, if damages not increased, to recover quarter costs only, § 105, 654.  
 in *replevin*, quarter costs only recovered, in cases where each party owned a part of the property, § 106, 654.  
 restricted in cases in supreme judicial court, which should have been commenced in inferior courts, § 107, 654.  
 on report of referees, full, allowed, § 107, 654.  
 account filed in set-off, full, recovered, § 108, 654.  
*double or treble*, meaning of, § 109, 654.  
 on application for a writ of review, certiorari, mandamus or quo warranto, § 110, 655.  
 on *nonsuit* or *discontinuance*, to be paid before second suit is brought; otherwise, proceedings to be stayed, § 111, 655.  
 persons liable for, in suits in the name of the state for their benefit, § 112, 655.  
 state liable for, in suits in its own behalf, § 113, 655.  
 for travel, not to be taxed by state's attorney, § 114, 655.  
 recoverable against assignee and plaintiff, as if both had been joined, § 115, 655.  
*assignee*, not known, defendant recovering, may have an action against him, when ascertained, § 116, 655.  
 recoverable only in one action when divers actions are brought against the same person which might have been joined in one, § 117, 655.  
 not allowed in actions on judgments on which execution could issue when suit was commenced, § 118, 655.  
*travel* for a corporation, how to be computed, § 119, 656.  
 power of the court to require payment as condition of amendment, § 120, 656.  
 of defendant pleading discharge in bankruptcy obtained after commencement of suit, limited, § 121, 656.  
 any tax required by act of congress on any process, recoverable as costs, § 122, 656.  
 may be passed upon by the court in term time and exceptions filed, otherwise clerk's decision will be final, § 123, 656.

PERJURY, 656.

*Perjury*, right of action against the party or perjured witness for damages, when a judgment has been obtained by, § 124, 656.

EXECUTIONS, 656.

*Executions*, may be issued in twenty-four hours after rendition of judgment, returnable in three months, § 125, 656.  
 cannot be issued after one year, except in certain cases, § 126, 656.  
 can be renewed within three years, § 127, 656.  
 when they may be awarded on *scire facias*, § 128, 657.  
*interest* on judgments to be collected from time of judgment to payment, § 129, 657.  
 new, may be issued on proof of loss, § 130, 657.  
 may issue in favor of a creditor of a solvent estate on report of commissioners, § 131, 657.

Stenographers, 657.

their appointment, duties and compensation, § 132, 657.

ACTIONS, CIVIL, BAIL IN, 670-672. See *Bail in Civil Actions*.

ACTIONS, BY OR AGAINST EXECUTORS AND ADMINISTRATORS, CHAP. 87, 689-692.

*Administrators and Executors.*

*writs and executions* against, to run against estate of deceased, § 1, 689.  
 execution for costs, to run in certain cases against bodies of, § 2, 689.  
 returned unsatisfied, *scire facias* against, may issue, § 3, 690.  
 ceasing to be such, administrator de bonis non may prosecute or defend actions pending for or against, § 4, 690.  
*scire facias* for or against administrator de bonis non, on judgments for or against, § 5, 690.



ACTIONS, BY OR AGAINST EXECUTORS AND ADMINISTRATORS—*Continued.**Administrators and executors.*

plaintiff or defendant dying while action is pending, action may be prosecuted or defended by, § 7, 690.

proceedings in such cases, death to be suggested on the record, § 7, 690.

actions which survive may be prosecuted or defended by, § 8, 690.

*in actions of trespass* or trespass on the case by or against, actual damages only recoverable, § 9, 690.

judgment rendered against, in an action of replevin, goods returned, not deemed assets, § 9, 691.

when one of several parties dies, his executor or administrator may prosecute or defend jointly with survivors, and joint judgments rendered, § 10, 691.

actions against, not maintainable, without previous demand of thirty days, nor unless brought within two years, § 11, 691.

not compelled to defend suits brought within one year after appointment, exceptions, § 12, 691.

*tender of debt* within one year, a bar to action, if brought within that time, § 12, 691.

failing to give legal notice of appointment, actions may be commenced against new administrator within four years, § 13, 691.

not to have benefit of limitations, if legal notice is not given, § 18, 692.

liable for unfaithful administration on bond, § 19, 692.

*Administrators de bonis non.*

writ of error maintainable by or against, § 6, 690.

seire facias by or against, on judgment for or against predecessor, § 5, 690.

limitation of actions against, § 17, 692.

*Executions*, how issued and renewed after creditor's decease, § 20, 692.

what they shall set forth, and to what uses property levied on shall be held, § 21, 692.

*Legacies*, actions to recover, not affected by provisions of chapter, § 19, 692.

*Limitation*, of actions against administrators and executors to four years after giving notice of appointment, § 13, 691.

when limited to two years, § 11, 691.

*exception*, if assets afterwards come into their hands, § 13, 691.

action not accruing within four years, right of, how preserved, § 14, 691.

heirs or devisees giving bond, assets may not be retained to meet such claims, § 15, 691.

estate liable in such cases in the hands of heirs or devisees, § 15, 692.

no bond given, action may be maintained against executors or administrators, § 15, 692.

claim not filed within four years, claimant to have remedy against heirs and devisees within one year after debt falls due, § 16, 692.

*Survivor*, of several plaintiffs or defendants, to prosecute or defend suits jointly with executor or administrator of deceased parties, or alone; death to be suggested on record, § 10, 691.

on either side may testify, § 10, 691.

ACTIONS BY AND AGAINST EXECUTORS AND ADMINISTRATORS AND RELATING  
TO PROBATE PROCEEDINGS.

*Actions, judge of probate*, not to be counsel in, by or against executor or administrator, guardian or trustee, or relating to any decree in probate court, § 13, 499.

to recover damages for not producing will for probate, § 3, 506.

not to be begun against special administrators, without decree of probate court, § 35, 513.

*limitation of*, against estates of deceased persons when special administrator is appointed, § 35, 513.

*by purchasers of choses in action*, at probate sales, § 48, 515.

not to be maintained on claims committed to commissioners appointed by probate court, § 51, 516.

against executor or administrator, who has resigned or been removed and by one executor or administrator against another, § 62, 517.

to recover damages for embezzlement of goods of deceased persons, § 67, 518.

*by assignees, of choses in action*, distributed as assets, § 29, 524.

against executors, to recover legacies, § 31, 525.

for money had or received, appeal from decision of commissioners of insolvency determined by, §§ 13, 14, 530.

*pending*, at time of representation of insolvency, proceedings in, § 17, 530.

not to be begun except on preferred claim after representation of insolvency, § 17 531.

ACTIONS, BY OR AGAINST EXECUTORS AND ADMINISTRATORS—*Continued.*

- on bonds* of testamentary trustees, § 12, 541.
- on choses in action*, sold by assignee for benefit of creditors, § 10, 545.
- to try the title of lands sold by license of probate court, § 29, 552. See *Real Estate, Sales of, by License of Court.*
- on probate bonds*, §§ 5-8, 555.
  - without authority of judge, §§ 9-14, 555, 556.
  - by authority of judge, §§ 15-17, 556, 557. See *Probate Bonds and Remedies thereon.*
- by executors and administrators of insolvent estates, to recover proceeds of property of estate sold under attachment, § 50, 625.
- executors and administrators may be summoned to appear and become parties, when death of deceased party is suggested on the record, § 30, 643.

ACTIONS, REAL, Chap. 104, pp. 760-768.

- estates may be recovered by writ of entry, § 1, 761.
- service of writ, § 1, 761.
- demandant* shall declare on his own seizin, and allege a disseizin, § 2, 761.
  - what he shall set forth, § 3, 761.
  - what he shall prove, § 4, 761.
- action not to be maintained, unless *demandant* has a right of entry, § 5, 762.
- who may be considered a disseizor, what may be pleaded and shown in defence, § 6, 762.
- upon what proof *demandant* may recover, § 6, 7, 8, 762.
- demandants* may join, § 9, 762.
  - may recover part, § 10, 762.
  - may recover damages for rents, profits or waste, in same action, § 11, 762.
- rents and profits*, how estimated, § 12, 13, 762, 763.
- tenant not liable for, for more than six years, § 14, 763.
- recovery against tenant not to bar right to recover against other persons, § 15, 763.
- action not to abate by death or intermarriage of either party, § 16, 763.
- guardians* may be appointed for minors interested, § 17, 763.
- upon judgment in, writs of possession may issue, § 18, 763.
- prevailing party to recover costs and have execution therefor, § 19, 763.
- premises to be clearly described, when *demandant* claims part and tenant alleges same title to whole, jury to decide the fact, § 21, 763, 764.
- tenant may enter notice that *demandant* may recover part, effect of such notice, § 22, 764.
- betterments*, when allowed, how ascertained, § 20, 23, 24, 25, 763, 764.
- jury to find value of buildings and improvements, also value of premises without such improvements, difference to be value of improvements, § 25, 764.
- demandant* may abandon to tenant, § 26, 765.
- execution to issue against tenant for sum found by the jury and costs, at the end of one year, unless one-third is paid, § 27, 765.
- at the end of two years, unless two-thirds is paid, § 28, 765.
- at the end of three years, unless whole is paid, writ of possession to issue within three months after default of payment by tenant, § 29, 765.
- remedy for tenant when evicted by better title, § 30, 765.
- when *demandant* does not abandon, he shall not have possession unless he pays to the tenant the sum due for betterments, § 31, 766.
- rights of mortgager and mortgagee*, landlord and tenant, not affected, § 32, 766.
- tenant not to commit waste after judgment, § 33, 766.
- parties may settle controversies by reference, § 34, 766.
- tenant may file in court an offer to give judgment for a specified sum, effect of such offer, § 35, 766.
- costs may be set-off against value of improvements, § 36, 766.
- jurors* not to sit, if interested in similar questions, § 37, 766, 767.
- tenant may hold by possession, what constitutes it, § 38, 767.
- when either party dies after judgment, action to be carried further by executor or administrator, § 39, 767.
- how writ of possession shall issue when either or both of the parties are dead, § 40, 767.
- either party may have a view, upon conditions imposed by the court, § 41, 767.
- when a life estate is claimed, value of improvements to be refunded upon its termination, § 42, 767.
- how betterments may be recovered when tenant is ousted after six years' possession, § 43, 767, 768.

ACTIONS, REAL—*Continued.*

when plaintiff's title may be impeached, § 44, 768.  
 when tenant has been in possession forty years, no costs to demandant, § 45, 768.  
 court may appoint a surveyor, upon motion, surveyor to be protected in the discharge of his duties, § 46, 768.

## ACTIONS, REAL, LIMITATIONS OF, AND RIGHTS OF ENTRY. Chap. 105, pp. 769-771.

*real or mixed actions*, not to be commenced, unless within twenty years after the right to do so first accrued, § 1, 769.  
 when title first accrued to an ancestor, twenty years how computed, § 2, 769.  
 when right of entry shall be deemed to have accrued, § 3, 769.  
*entry for breach of condition*, right to, accrues when condition is broken, § 4, 770.  
 generally, when claimant first became entitled to possession, § 5, 770  
 when minister or sole corporation is disseized, time extended, § 6, 770.  
 saving in favor of minors, married women, insane or imprisoned persons absent from the United States, § 7, 770.  
 when person entitled to, dies during disability, § 8, 770.  
 when tenant in tail, or remainder man dies, persons claiming the estate to have same rights only, § 9, 770.  
*disseizin*, what constitutes it, so as to bar a right of recovery, § 10, 770.  
 action by the state, limited to twenty years, § 11, 771.  
 when writ fails of service, is abated, or action is defeated, new action may be commenced within six months, § 12, 771.  
 right of way or other easement, how defeated, § 13, 771.  
 notice, how given, to be recorded, § 14, 771.  
 no action to be maintained if tenant has been in possession forty years, § 15, 771.

## ACTIONS OF REVIEW AND PETITIONS THEREFOR, CHAP. 89, 698-701.

*Actions of review*, may be granted on petition by supreme judicial court, § 1, 698.  
*petition for*, in an action when defendant has appeared, must be made within three years after rendition of judgment, § 1, 698.  
*petition for*, in an action defaulted without appearance of defendant, may be presented in three years after demand of payment on execution, § 1, 698.  
 cases enumerated, in which review may be granted, where a witness has testified falsely, upon discovery of new evidence, or if witness has been convicted of perjury, § 1, 698, 699.  
 when granted to a party in interest, who was not party to the record, § 1, 699.  
 when granted in an action when judgment has been rendered on report of referees, § 1, 699.  
 when granted by reason of amendment of declaration, § 1, 699.  
 may be granted in cases mentioned in chap. 76 sec. 49. § 1, 699.  
 may be granted, when justice has not been done through fraud, accident, mistake, or misfortune, § 1, 699.  
 upon what terms granted to one co-defendant, § 1, 699.  
 when petition for, may be signed by attorney, property may be attached thereon, notice how ordered and when returnable, § 2, 699.  
*new evidence* discovered during pendency of petition, may be used at hearing, by giving notice to adverse party, § 3, 699.  
 petition for, alleging discovery of new evidence, names of new witnesses and nature of their evidence, must be stated under oath, § 4, 699, 700.  
*petition presented*, court may stay execution or grant supersedeas upon bond filed, § 5, 700.  
 conditions of bond, § 5, 700.  
 when and how second review may be granted, § 6, 700.  
*Attachment* or bail taken in original action, not holden to satisfy judgment on review, § 9, 700.  
*Costs*, party prevailing recovers, but court in granting reviews may impose terms, § 15, 701.  
*Defendant* in replevin or when claim in set-off is filed, to be regarded as in the position of plaintiff in review, as it respects damages, § 13, 701.  
*Judgment*, in review, how given, §§ 11, 12, 701.  
 if reversed on petition filed within one year, levy made thereon, void, § 14, 701.  
*Pleadings*, in review and issues joined, how disposed of, § 10, 700.  
*Writ of review*, to be issued and trial to take place in supreme judicial court in county where judgment was rendered, § 7, 700.  
 plaintiff to produce papers in former suit, § 7, 700.

**ACTIONS OF REVIEW AND PETITIONS THEREFOR—Continued.**

- writ of review* to describe former action so as to identify it, § 8, 700.
- to contain summons to answer to plaintiff in review, and to be served as other writs, § 8, 700.
- sued out by original plaintiff, property of defendant may be attached thereon, § 9, 700.
- when defendant, living out of the State, defaulted without appearance, may bring, § 49, 579.

**ACTS OF INCORPORATION,**

- regarded in legal proceedings as public acts and to be in force from approval, § 4, 59.
- passed since March 17, 1881, liable to alteration or repeal unless expressly exempted, § 17, 396. See *Charters*.

**ACTS, PUBLIC,**

- secretary of state to give presiding officers of the senate and house written notice of governor's approval of, § 2, 57.
- when to take effect, § 3, 57.
- repealing acts, how construed, § 3, 57.
- actions pending, how affected by passage or repeal of, § 3, 57.

**ADJOURNMENT,**

- of courts*, in places where contagious diseases prevail, § 11, 218.
- of probate*, § 4, 497.
- supreme judicial*, when time fixed for opening falls on certain days, § 18, 586.
- when justice does not attend, § 20, 586.
- of trial justices*, § 14, 661.
- of disclosures*, of poor debtors, § 5, 793. § 23, 797. § 42, 800.
- of examinations*, into causes of restraint, on habeas corpus, § 14, 746.
- of persons arrested for alleged offences, § 10, 881.
- of proceedings*, before auditors, § 62, 647.
- of sales*, of lands for non-payment of taxes, § 160, 160.
- by license of probate court, § 19, 551.
- of equities of redemption and other interests in real estate on execution, § 34, 576.
- of personal property on execution, to another time and place, §§ 5, 6, 665.

**ADJUTANT GENERAL,**

- to take oath of office, § 86, 75.
- copies of records in office of, may be used as evidence, § 101, 653.
- compensation of, § 1, 806.

**ADMINISTRATION,**

- upon estate of married women dying intestate, how granted, § 6, 492.
- on what estates, judge of probate may grant, § 6, 497.
- not granted*, in certain cases, § 1, 505.
- after lapse of twenty years, exception, § 1, 505.
- may be granted*, in case of foreign wills, more than twenty years after decease, § 15, 508.
- to whom, § 17, 508.
- on estates of persons in state prison, under sentence of death or imprisonment for life, § 18, 509.
- with the will annexed, and de bonis non, §§ 20-24, 509, 510.
- may be granted on death of sole or surviving executor, § 23, 510.
- expenses of, to be first paid in insolvent estates, § 1, 528.
- if not granted on estate of officer, for or against whom at his death, suit is pending for official act, within three months, party interested may prosecute or defend suit, § 53, 625. See *Executors and Administrators*.

**ADMINISTRATORS,**

- taxation of property held in trust by, § 14, 132; § 26, 134.
- of married women deceased, to pay expenses of last sickness, § 11, 493.
- fees of, § 29, 501.
- with the will annexed, and de bonis non, §§ 20-24, 509, 510.
- public*, 510-512.
- special*, 512-513.
- no appeal from the appointment of, § 21, 500. See *Executors and Administrators*.
- proof of appointment of, in other states, how made, § 15, 550.
- of insolvent estates*, private claim of, may be allowed by the judge, § 8, 529.
- neglect for six months after report of commissioners, to settle account, deemed breach of bond, § 19, 531.

**ADMINISTRATORS—Continued.**

- of insolvent estates* committing waste or trespass on real estate liable for treble damages, § 20, 531.
- may recover damages of heirs, devisees or other persons committing waste or trespass § 20, 531.
- not to be guardians for minors interested in estate, § 1, 533.
- of deceased partner*, to include property of firm in inventory, § 1, 542.
- or executors, levy on lands of deceased persons, on judgment against, § 44, 578.
- may be summoned to appear, when death of party to suit is suggested on record, § 30, 643.
- executions*, how issued or renewed in name of, after creditor's decease, § 20, 692.

**ADMIRALTY,**

- jurisdiction of supreme judicial court, as court of, to enforce liens on vessels, § 25, 716.

**ADOPTION OF CHILDREN,**

- provisions relating to, 538, 539. See *Guardians*.

**ADULTERATION,**

- of food and drinks, § 1, 865.

**ADULTERY,**

- how punished, § 1, 848.
- provision for husband when divorce decreed for adultery of wife, § 8, 489.
- when both parties guilty of, or there is collusion between them to procure divorce, divorce not to be granted, § 13, 490.

**ADULTS,**

- under guardianship, disability of, § 23, 537. See *Guardians*.

**ADVANCEMENTS,**

- to a child or grandchild, what constitutes, and how regarded, for purposes of descent and distribution, § 5, 567.
- when value of, is determined by intestate or acknowledged in writing, it is to be allowed, in distribution, § 6, 567.
- otherwise, value of, to be estimated at time when given, § 6, 567.
- no portion of, to be refunded, § 6, 567.
- made in real, to be regarded as real estate, § 7, 567.
- made in personal, to be regarded as personal estate, § 7, 567.
- exceeding his share of real or personal estate, child or grandchild to receive so much less of the other as will make his share equal, § 7, 567.
- child or grandchild having received, and dying before testator, leaving issue, to be regarded as having been made to such issue, § 7, 567.

**ADVERTISEMENTS,**

- of sales of lands of non residents, for non payment of taxes, § 159, 159.
- form of, § 166, 162.
- when and how to be published, by pound keepers, § 12, 275.
- notice of limited partnership to be given by, § 5, 330.
- of ship wrecked goods, by commissioner of wrecks, § 14, 338.
- in similitude of bank bills, prohibited, § 5, 858.
- penalty for affixing, to fences, private property or on rocks without consent of owner, § 8, 862, 863.
- parties may select newspapers for, in probate proceedings, § 36, 503. See *Notice*.

**AFFIDAVIT,**

- of persons posting notifications for sale of land for taxes made on original advertisement and filed in registry office, evidence, § 156, 158.
- of executor or administrator filed with copy of notice of appointment to be evidence that it was given, § 40, 513.
- executors and administrators may require claims against the estate, to be verified by, § 60, 517.
- to claims against insolvent estates, § 5, 523.
- notice of sale by license of probate court proved by, § 26, 552.
- of loss or destruction of writ or process, § 10, 640.
- of unsatisfied execution, § 130, 657.
- of persons applying for writ of habeas corpus, § 8, 744.
- penalty for making or exhibiting false protest or, with intent to defraud insurers of vessels, § 14, 859.
- dilatory pleas* to indictments to be verified by, § 18, 888.

**AFFIRMATION,**

may be made by persons conscientiously scrupulous of taking an oath, § 5, 59; § 93, 652.  
the word "oath" includes when affirmation is allowed, § 4, 58.  
jurors conscientiously scrupulous of taking an oath may make, § 68, 648; § 8, 885.  
of judgment, on appeal from trial justices, § 19, 661.

**AFFRAY,**

defined and penalty provided, § 1, 844.  
in presence of a magistrate, how punished, § 9, 869.

**AGED,**

and infirm persons, when exempt from taxation, § 6, 180.

**AGENCIES,**

of foreign banks prohibited, § 86, 420.  
of insurance companies, in other states, for the purpose of establishing, securities may be deposited with state treasurer, § 37, 435.  
of insurance companies, foreign, 411, 442. See *Insurance and Insurance Companies*.

**AGENT,**

act by, regarded as act of principal, § 4, 59.  
or officer of state not to be reimbursed for amounts expended over appropriations, § 13, 64.  
commercial, copies of records in office of, when admissible in evidence, § 100, 653.  
of corporations, contracts made by, binding, § 15, 396.  
may be implied from acts of general, § 15, 396.  
*foreign*, to have same effect as acts of agents of foreign private persons, § 16, 396.  
*manufacturing*, to furnish officer having writ or execution against corporation with names of directors and clerk and schedule of corporate property, § 11, 425.  
penalty for violating provisions of law respecting employment of children, §§ 16, 17, 426.  
*for navigation by steam*, liability for acts of, § 2, 466.  
of banks, may be summoned by bank examiners to appear as witness, penalty for neglect, § 56, 413.  
penalty for frauds by, § 85, 419.  
of insurance companies, person authorized to receive applications for insurance and payment to be deemed, § 18, 432.  
notice to, and all acts of, binding, § 18, 432.  
statements in application for insurance, if drawn by, conclusive upon company but not upon insured, § 18, 432.  
no person to act as, without license from insurance commissioner, penalty, § 50, 438.  
*life*, not to issue policies after suspension by commissioner, penalty, § 57, 440.  
*foreign*, penalty for issuing policies, after forbidden by insurance commissioner, § 52, 439.  
service on, in suits against company sufficient, §§ 63, 64, 441.  
authority of, for that purpose, to continue till another appointed, § 63, 441.  
liable for issuing policies during suspension of business, § 63, 441.  
all notices and processes against insurance companies may be served on, as if they were principals, § 64, 441.  
regarded as if in all respects representing company, § 64, 442.  
company bound by knowledge of, § 64, 442.  
omissions and misdescriptions known to, shall be regarded, as known to company, and waived, § 64, 442.  
of telegraph companies, penalty, for falsifying dispatches, § 1, 467.  
for divulging contents of same, § 1, 468.  
liability of, for fraud, § 2, 468.  
of Indian tribes, 173-177. See *Indian tribes*.  
land, his powers and duties, 112-122. See *Lands, their Sale and Settlement*.  
school, powers and duties of, §§ 60-62, 196, 197. See *Education of Youth*.  
state, for sale of spirituous liquors, 299-301. See *Intoxicating Liquors*.  
towns may appoint, § 1, 77.  
to be elected by ballot, § 11, 79.  
for sale of spirituous liquors, to keep record of sales, § 18, 300.  
penalty for false representations to, § 18, 300.  
vessels containing liquors owned and kept by, to be marked, § 51, 309.  
See *Intoxicating Liquors*.  
to superintend the building and repairs of roads in unincorporated places, § 51, 140; § 53, 141.  
to open roads, when to be appointed by county commissioners, § 28, 244.

AGENT—*Continued.*

liable, as principal, for offences against liquor law, § 28, 803.

may be included in same complaint, § 53, 811.

principal, factors and, 326, 327. See *Factors, Principals and Agents*.

to be appointed by persons residing out of the state, interested in assignment of dower or partition of real estate, § 18, 522.

may bind principal by deeds or contracts in his own name, or in name of principal, § 15, 561.

service of writs upon, when principal resides out of state, § 19, 619.

mortgagee of personal property out of the state must appoint, to receive pay, or right to redeem not forfeited, § 5, 712.

*governor and council* to appoint, to receive fugitives from justice in other states, § 4, 900.

## AGREEMENTS, how companies associated under written articles of, may be incorporated, § 18, 426.

certain, void, unless made in writing, §§ 1-1, 786, 787. See *Frauds and Perjuries in Contracts, Prevention of*.

that title of property, for which notes are given shall remain, in payee, not valid unless expressed in notes and notes recorded, § 5, 787.

*corrupt*, by attorneys and others to procure claims for the purpose of bringing suits thereon: penalty, §§ 11, 12, 841. See *Contracts*.

## AGRICULTURE, superintendent of, among the Indians, to be appointed by the governor and council, § 11, 174.

term of office and duties of, § 11, 174.

annual report and accounts of, § 12, 174.

## AGRICULTURAL INSTITUTIONS. Chap. 58, pp. 477-482.

## BOARD OF AGRICULTURE, 478.

*Board of agriculture*, of whom to consist, what societies may elect members, when and how elected, tenure of office, § 1, 478.

if more than one society in any county, convention of delegates from each, to elect member of, § 2, 478.

convention for that purpose how called, and when held, proceedings thereon, § 2, 478.

if member of, not so elected, governor and council may choose from highest candidate, § 2, 478.

what shall be credentials of member of, § 2, 478.

*sessions*, number, length and place of, regulated, § 3, 478.

member of, to have no compensation for time or services, § 3, 478.

exact account of expenses of travel and attendance to be kept, and the same to be paid, § 3, 478.

*secretary of*, his election, vacancy how filled, reports to be made to him, his compensation, § 4, 478, 479.

shall be a member ex-officio of board of trustees of state college of agriculture and the mechanic arts, § 4, 479.

duties of, may hold in trust donations and bequests, to make annual report to legislature, what report shall contain, to be printed and distributed, § 5, 479.

*salaries and expenses*, appropriation for, § 6, 479.

## STATE AGRICULTURAL SOCIETY, 479.

*State society*, officers to be elected, § 7, 479.

may hold estate, the annual income of which does not exceed five thousand dollars, § 8, 479.

income to be applied to advancement of agriculture, horticulture, and similar arts, § 8, 479.

treasurer to give bond to trustees, § 8, 479.

to render annual account of receipts and expenditures, § 8, 479.

*secretary*, to make annual report, § 8, 479.

## COUNTY AND LOCAL AGRICULTURAL SOCIETIES, 480-482.

*County and local societies*, may take and hold property, the income of which does not exceed three thousand dollars, for the purposes of their charter, § 9, 480.

*treasurer*, may take conveyances or leases for the society, § 9, 480.

may hold, sell, mortgage or pledge property, § 9, 480.

shall give bond for safe keeping thereof, and for fidelity in office, § 9, 480.

on application shall be entitled to receive from the state treasury a sum equal to that raised by the society during the year preceding, § 10, 480.

but not exceeding one cent to each inhabitant of county where society is located, nor more than four hundred dollars to one county, § 10, 480.

AGRICULTURAL INSTITUTIONS—*Continued.*

- if more than one society in a county, each to have in proportion, § 10, 480.
- exceptions, § 10, 480.
- certificates and specifications under oath to be filed by, and by secretary, with state treasurer, before payment is made, § 11, 480.
- premiums and gratuities*, an amount equal to that paid by the state, to be paid by each society each year, unless board of agriculture otherwise directs, § 12, 480.
- statements required from competitors for, § 13, 480.
- specifications required in treasurer's certificate to state treasury, § 13, 480, 481.
- secretary* to make annual return to secretary of board, what the return shall contain, when to be made, secretary of board to give certificate, § 14, 481.
- society failing to comply, not entitled to money from state, § 14, 481.
- may fix bounds for exhibitions, not to include land without owner's consent, nor obstruct highways, § 15, 481.
- penalty for violation of regulations, § 16, 481.
- may appoint persons to keep order with powers of constables, § 17, 481.

AGRICULTURAL PRODUCTIONS, INSPECTION AND SALE OF, CHAP. 38, 340-353.

BEEF AND PORK, 342.

- Beef and pork*, governor and council to appoint inspector general of, § 1, 342.
- inspector general* to be sworn and give bond, § 1, 342.
- to appoint deputies and be responsible for their misconduct, office of inspector general vacant, deputies may discharge duties of, § 2, 342.
- deputies to be sworn and give bond, § 3, 342.
- not to be concerned in beef or pork business, § 4, 342.
- to attend and inspect within twenty-four hours after request, § 5, 342.
- not liable if he neglects or refuses unless all charges are paid, § 6, 342, 343.
- how packed, § 7, 343.
- beef*, none to be packed unless of fat cattle not under two years old, how to be cut, § 8, 343.
- to be divided into five sorts, mess, number one, prime, cargo, hearts and cheeks; each, of what to consist, § 9, 343.
- inspector may upon request inspect other descriptions, extra mess, and navy mess, of what to consist, § 10, 344.
- how to be salted, § 11, 344.
- certain parts may be reserved for smoking or jerking, put in barrels and branded "light salted," § 12, 344.
- pork*, to be divided into seven sorts, extra clear, clear, bone middlings, navy mess, number one, prime, cargo; each, of what to consist, § 13, 344, 345.
- mess pork of what to consist, § 14, 345.
- how to be salted and branded, how many pounds to a barrel, § 15, 345.
- barrels*, dimensions of, of what materials made, how hooped, §§ 16, 17, 345, 346.
- to be branded with the name of the inspector, owner, weight, town where, month and year when inspected, together with the word Maine, § 18, 346.
- inspector or deputy*, not to brand what he has not personally inspected, or neglect any duty of his office, or exercise any fraud therein, under penalty, § 19, 346.
- no deputy to inspect or brand out of the district for which he is appointed, penalty, § 20, 346.
- beef reserved for exportation, how to be branded, § 21, 346.
- penalty for changing or intermixing after being inspected and branded, § 22, 346, 347.
- not to be transported, shipped or offered for sale without being inspected and branded, penalty for, § 23, 347.
- owners or masters of vessels to produce certificate of inspection, § 23, 347.
- purchaser of*, may demand inspection, penalty if seller refuses or neglects to cause inspection, how recovered, § 24, 347.
- penalty for shipping, exporting or having on board uninspected salt beef or pork, § 25, 347.
- if put on board any vessel, may be seized on warrant from any trial justice, § 26, 347.
- officer seizing*, to libel, forfeiture how appropriated, § 27, 348.
- inspector and deputies*, to make return, § 28, 348.
- may administer oaths, § 29, 348.
- scales*, what to be used in weighing, § 30, 348.



AGRICULTURAL PRODUCTIONS, INSPECTION AND SALE OF—*Continued.*

*weighers*, of beef, to be appointed by municipal officers, to be sworn, weigh and give certificate, form of, §§ 31, 32, 348.

no person to purchase, without being weighed, § 33, 348, 349.

*hides*, to be weighed and certified by inspector, § 34, 349.

*fines and forfeitures*, how recovered and appropriated, § 35, 349.

## FLOUR, 349.

*Flour*, inspectors of, may be appointed by municipal officers, § 36, 349.

to be sworn by town clerk, clerk to give certificate of appointment and qualification, § 37, 349.

*inspection of*, how made, duties of inspectors defined, § 38, 349.

record of, to be kept and exhibited, § 38, 349.

penalty, if inspector falsely or fraudulently marks, § 39, 349.

for altering, obliterating or counterfeiting marks, § 40, 349, 350.

purchasers of, may require inspection before delivery, § 41, 350.

fees for inspection and by whom paid, § 41, 350.

sample packages of, duties of inspectors, relating to, § 42, 350.

provisions not applicable when inspection is not demanded by the buyer or seller, § 43, 350.

## MILK, 350.

*Milk*, inspectors of, to be appointed by municipal officers of towns of not less than three thousand inhabitants, § 44, 350.

duties of, § 45, 350.

all vessels used in sale of, to be sealed and marked by wine measure, § 46, 350.

penalty for selling or offering for sale injurious milk, § 47, 350, 351.

## COMMERCIAL MANURES, 351.

*Commercial manures.*

barrels, bags and parcels of, containing fifty pounds or more, to be labeled with name of manufacturer and amount of certain constituents, penalty for violation, § 48, 351.

purchaser may recover of seller, if constituents are not as stated in label, § 49, 351.

definition of terms soluble and insoluble phosphoric acid as used in the manufacture of manures, § 50, 351.

provisions not applicable to manures prepared from fish, § 51, 351.

## HAY, 351.

*Hay pressed*, to be branded, how branded, § 52, 351.

if offered for sale without, to be forfeited, § 52, 351.

how secured and marked, weigher of, not to purchase, § 53, 352.

not to be taken on board any vessel without being branded, penalty, § 54, 352.

## SALT, CORN AND GRAIN, 352.

*Measurers of salt, corn and grain.*

municipal officers to appoint, § 55, 352.

to be sworn, § 55, 352.

hogshead of salt to consist of eight bushels, § 55, 352.

standard weight of bushel of corn, and grain, meal, vegetables, and hair, potatoes, wheat, corn, barley, buckwheat, carrots, onions, rutabaga, sugar beets, mangel wurzel, turnip beets, English turnips, beans, peas, rye and indian meal, oats and hair, § 56, 352.

## BOUNTY ON SILK, 352.

*Bounty on silk*, to be paid by town treasurers, § 57, 352, 353.

of ten cents for every pound of cocoons, one dollar for every pound of silk, § 57, 352, 353.

## MARKING SHEEP, 353.

*Sheep*, owners of, to use a distinctive mark, to be recorded by town clerk, § 58, 353.

## AID,

collector of taxes impeded may require, § 117, 151.

officers may require, in executing search warrant for infected articles, § 8, 218.

sheriffs, constables and coroners may require, in executing criminal process, § 48, 609.

penalty for refusing, § 48, 609; § 18, 843.

fees for rendering, § 5, 815.

to magistrate, refusal to furnish not excused by pretence of ignorance of justice's office, if office made known, § 19, 843.

**AID—Continued.**

when officers may require, to disperse unlawful assemblies or riots, § 5, 845.  
magistrates may command, in view of affray, riot or assault and battery, without warrant, § 2, 875.  
when may be required by warden of state prison, § 37, 914.

**ALDERMEN,**

mayor and, of cities, deemed municipal officers, § 4, 59.  
and assessors, to prepare lists of qualified voters, § 15, 95.  
to call meetings to fill vacancies in office of representatives, § 44, 100.  
when to be in session to correct the lists of voters, proceedings, § 45, 100.  
three constitute a quorum, § 46, 101.  
notice of sessions, how given, § 46, 101.  
penalty for neglect to issue warrants for elections, § 52, 102. See *Elections*.  
duties of as municipal officers. See *Municipal Officers*.

**ALCOHOL,**

and rum, only, authorized to be manufactured, § 23, 301.

**ALE,**

declared to be intoxicating liquor, § 22, 301. See *Intoxicating Liquors*. *Ale*.

**ALEWIVES,**

not to be exported unless certificate of inspection is exhibited, § 14, 366, 367.  
term, how construed, § 24, 369. See *Fish and Fisheries*.

**ALIEN,**

will of, provisions relating to, § 14, 508.  
may hold and convey real estate, § 2, 559.  
*enemies*, during war, limitation of suits, not to apply to, § 89, 633.  
tenant of state lands, not to set up title of, § 12, 727.  
*naturalized*, widow of, when entitled to dower, § 5, 757.

**ALIMONY,**

court, granting divorce, for fault of husband, may decree, § 7, 488; § 13, 489.  
may change decree, when new trial granted within three years, § 9, 489.

**ALLOWANCES,**

*to widows*, may be made from personal estate, § 21, 523.  
of one pew in meeting house, § 21, 523.  
judge may make further, when estate considered insolvent, proves solvent, § 21, 523.  
when additional personal property found, § 21, 523.  
mortgage debt allowed to be assigned by executor or administrator, § 22, 523.  
judge may make temporary, during litigation in testate estates in certain cases, § 23, 523.  
on probate of will, to make final, § 23, 523.  
widow may remain ninety days in husband's house after his death, and have reasonable support, § 24, 524.  
*to minor children*, in all insolvent estates, if there is no widow, judge may make, § 25, 524.  
if there are widow and children by former wife, may be divided, § 25, 524.  
*to husband*, may be made from wife's estate, if solvent, § 26, 524.  
*to wife*, pending libel for divorce, § 6, 488.  
priority of, to widow, widower, or children in insolvent estates, § 1, 523.  
*to wards*, and their families, in certain cases, § 21, 531.  
to defend themselves against the appointment of guardians, § 8, 534.  
*to adopted child*, from estate of adopters, § 33, 539.

**ALTERATION,**

forging or counterfeiting records, notes, deeds, &c., how punished, § 1, 835.

**ALTERED BANK BILL,**

not void, when held by innocent holder, § 32, 408.  
may be stamped, § 35, 409.  
damages if erroneously stamped, § 35, 409.  
cashier to keep record of date of stamping, § 35, 409.

**AMENDMENT,**

of records or tax lists and returns of warrants for town meetings, § 8, 78.  
of processes under the liquor law, § 55, 311.  
charters of all corporations subject to, unless otherwise provided therein, § 17, 396.

**AMENDMENT—Continued.**

- by legislature, of charter of new corporations formed by foreclosure of railroad mortgages, § 68, 462.
- allowed in writs or process, for want of form, or for circumstantial errors or mistakes, § 9, 639.
- by striking out one or more defendants on payment of costs, § 11, 640.
- by insertion of new defendants in a writ founded on contract, § 11, 640.
- of declaration, in certain cases on payment of costs, § 19, 641.
- as a condition of, power of court to require payment of costs, not affected, § 120, 656.
- of writs issued against defendant in an assumed name, § 5, 616.
- of declaration, when attachment dissolved by, § 65, 629.
- of petition for partition of real estate by striking out or adding name of petitioners, § 11, 695.
- of declaration, without notice, when ground for review, § 1, 699.
- may be made by leave of court, in actions of review, § 10, 700.
- in real actions, on death of party, leaving minor heir, § 17, 763.

**ANATOMY,**

- when professors of, may have bodies of convicts and others for dissection, §§ 1-3, 214.

**ANIMALS,**

- domestic, where to be taxed, § 14, 131.
- owned by non-residents, taxes on, how collected, § 116, 151.
- blood, brought into the state, how to be taxed, § 20, 133.
- going at large, without a keeper, 272-277. See *Pounds and Impounding*.
- living, attached, how sold on writ, 621, 622. See *Actions, Civil, Commencement of*.
- when exempt from attachment, § 59, 627.
- cruelty to, how punished, §§ 28-35, 853, 854.
- penalty for malicious injury to unlawful or taking of, §§ 1-3, 861. See *Cattle*.

**ANNUAL MEETINGS:**

- See *Meetings Annual*.

**ANNUAL REPORTS.**

- See *Reports Annual*.

**ANNUAL RETURNS.**

- See *Returns Annual*.

**ANNUAL SESSIONS.**

- See *Sessions Annual*.

**ANSWER,**

- no person liable to, for offence unless on indictment, exceptions, § 1, 880.

**APPEALS,**

- from decision of municipal officers refusing to call town meeting, § 4, 78.
- in regard to committing insane persons to hospital, § 14, 930.
- to town on refusal of school district to raise money, §§ 27, 28, 188.
- to municipal officers, in regard to location of school houses, § 32, 189.
- to governor, from decision of county commissioners locating railroad crossings, § 13, 451.
- to judge of probate, from award of commissioner of wrecks, § 12, 338.

**TO COUNTY COMMISSIONERS.**

- on application for abatement of taxes, § 69, 144.
- on appraisal of land taken for school house, § 34, 190.
- on question of expense of building and repairing drains, § 14, 228.
- from estimate of damages in locating town ways, § 22, 243.
- on refusal of selectmen to lay out or alter town ways, §§ 23, 24, 243, 244.
- to determine value of buildings destroyed to prevent spread of fires, § 10, 291.
- on refusal of municipal officers to license auctioneers, § 2, 332.
- on location and building of fish ways, § 26, 369, 370.

**TO SUPREME JUDICIAL COURT.**

- from estimate of county commissioners for land taken for coast survey, § 10, 63.
- from assessments for building roads in unincorporated places, § 51, 140.
- from location of ways in unincorporated places, § 35, 246.
- to determine value of buildings destroyed to prevent spread of fires, §§ 10, 11, 291.
- from estimate of damages for location of ways, §§ 8-13, 240, 241.
- from location of ways, §§ 37-39, 246, 247.
- from estimate of damages for location of railroads, § 8, 450.

APPEALS—Continued.

TO SUPREME JUDICIAL COURT.

*in probate proceedings.*

- may be taken from all decrees except from appointment of special administrator, § 21, 500.
- jurisdiction of probate court may be contested in, § 7, 497.
- when more than one probate district in same county, how taken, § 9, 498.
- bonds and reasons for, to be filed by persons claiming, § 22, 500.
  - except in case of ward claiming, § 22, 500.
- how allowed when not seasonably claimed or prosecuted, § 23, 500, 501.
- former sentence affirmed when appeal not prosecuted, § 24, 501.
- proceedings in probate court to cease after, § 25, 501.
- when heard and proceedings in appellate court, § 26, 501.
- pending*, on probate of will, letters may be granted to executors in certain cases, § 36, 513.
- from decree of adoption, by probate court, § 32, 539.
- from commissioners on disputed claims against solvent estates, § 51, 516.
- from decision of commissioners of insolvency, §§ 11-16, 539, 530.
- creditors becoming parties to assignment have same right of, as provided in insolvent estates, § 6, 544. See *Insolvent Estates*.
- from decree of judge of probate in granting or refusing license to sell real estate, § 2, 548.
- in cases of contribution among heirs, devisees or legatees, § 14, 565.

*from trial justices.*

- in civil actions*, § § 17-19, 661.
  - when not entered by mistake how allowed, § 6, 639.
  - petitions therefor to be presented within one year, § 7, 639.
  - attachment and bail not revived, original papers except writs to be sent up, § 8, 639.
  - quarter costs only recoverable when damages are not increased in cases of, § 105, 654.
  - in proceedings to enforce lien on goods in possession, § 47, 719.
  - in cases of forcible entry and detainer, § 8, 730.
  - from order requiring bail to keep the peace, § 6, 869.
  - in actions of replevin, § 6, 735.
  - from decision upon libel to enforce forfeiture, § 9, 741.
- in criminal cases*, §§ 15, 16, 877.
  - witnesses to recognize for their appearance, § 8, 876.
  - in prosecutions under liquor law, §§ 44, 47, 308.
  - fee for entering, to be taxed and paid as other fees, § 25, 822.
- from decision of clerk, as to sufficiency of sureties on bond on issuing execution against absent defendant, § 5, 639.
- in taxing costs, § 123, 656.
- in actions on recognizances to prosecute, jury to assess damages, § 27, 642.
- from insurance commissioner, § 58, 440.
- from decree appointing receivers of banks, § 63, 415.

APPEARANCE,

- on failure of defendant to make, when default may be entered, § 2, 638.
  - when taken off, § 2, 638.
- witnesses to make, *capias* may issue, § 90, 652.
- penalty for jurors failing to make, § 19, 775.

APPRAISAL,

- municipal officers to make, of land taken for school-house, § 33, 190.
- of pews in meeting-house before alterations or sale, § 29, 210.
- of infected cattle killed by order of municipal officers, § 39, 222; § 47, 223.
- of division fences, by fence viewers, §§ 4, 11, 265, 266.
- of damages done by beasts going at large, § 10, 274; § 15, 275.
- of surplus of personal property, after settlement of administrator's account, and before distribution, § 23, 524.
- of security held by creditor of insolvent estate, § 7, 529.
- of estates, of persons under guardianship, § 11, 535.
- in hands of testamentary trustees, § 8, 541.
- levies on real estate by, 570-574.
  - redemption of, §§ 22-26, 574. See *Execution, Title to Real Estate by Levy of*.

**APPRAISAL—Continued.**

- of living animals, goods perishable or kept at great expense, prior to sale on mesne process, §§ 30, 31, 621.
- of property of part owners attached, § 39, 623.
- of specific articles for which trustees are charged, § 46, 681.
- of personal property forfeited, § 3, 740.
- of damages for flowing lands, how made, § 9, 722.
- of lost goods worth ten dollars, or more, § 11, 743.
- of betterments in real actions, §§ 20, 22-25, 763, 764.
- of rights and credits disclosed by poor debtors, § 31, 798.

**APPRAISERS,**

- in probate proceedings*, fees of, § 30, 502.
  - appointment of, and revocation of warrant, §§ 42, 43, 512.
  - to appraise real estate, goods, and chattels, § 42, 514.
  - how they are to appraise rights and credits, § 44, 514.
  - to be appointed, when additional assets found, § 45, 514.
  - to make distribution of personal estate, § 28, 524.
- at levy upon real estate how chosen, § 1, 570.
  - guardians may appoint for wards, § 14, 536.
  - how sworn, and certificate of oath, § 2, 570.
  - return of, § 3, 571.
  - may appraise parcels separately or together, § 4, 571.
  - may be different sets of, when land taken at different times, § 4, 571.
  - levy valid, when signed by two, § 4, 571.
  - officer may adopt return of, in his return, § 5, 571. Fees, 314.
  - penalty for attempts to bribe, § 8, 841.

**APPRENTICES,**

- provisions relating to, 493, 494. See *Masters, Apprentices and Servants*.
- settlements of, as paupers, how acquired, § 1, 279.
- children of paupers may be bound as, §§ 14-19, 280-282.
- penalty for shipmaster carrying out of state, without consent of master, § 21, 825.
- boys in the reform school may be bound as, § 10, 924.

**APPROPRIATIONS,**

- no department of state to exceed, in expenditures, § 13, 64.
- for state library, § 82, 74.
  - state prison, § 47, 916.
  - reform school, how paid, § 15, 926.

**AQUEDUCTS, CHAP. 54, 468-471.**

- Assessments*, on shares, may be made by directors, how enforced, § 3, 469.
- By-laws*, proprietors may impose penalty for breach of, § 5, 470.
- Contracts*, continue in force after dissolution of corporation, and last shareholders may prosecute and defend suits concerning, § 9, 470.
  - if no corporate property to satisfy judgment, private property of shareholders may be taken, § 9, 470.
- Corporate powers*, continued after dissolution for certain purposes, § 9, 470.
- Directors*, to choose president, make assessments, and collect them by suit or sale of shares, § 3, 469.
- Estate of corporation*, at dissolution, shall vest in proprietors as tenants in common, § 10, 471.
- Execution*, satisfied by ineffectual sale of corporate property, may be revived by seire facias, § 6, 470.
- Franchises*, fixtures, pipes, fountains and interests in lands, subject to attachment and sale on execution, § 6, 470.
- Meeting*, of proprietors for incorporation, how called, § 1, 469.
- Penalties*, for injuring an aqueduct, § 7, 470.
- Proprietors*, duly assembled declared a corporation, § 2, 469.
  - may agree upon mode of calling future meetings, may choose directors and other officers, may choose clerk, who shall be sworn; duty of clerk; books of, subject to inspection by order of legislature, § 2, 469.
- Purchaser*, not to interfere with possession thereof, for two months after sale, on execution, § 6, 470.
  - within that time corporation may redeem, § 6, 470.
  - if not so redeemed, title vests in, § 6, 470.

**AQUEDUCTS—Continued.**

- Real estate*, proprietors may purchase and hold, not exceeding thirty thousand dollars in value, § 5, 470.
  - may dig up, or open roads to lay or repair pipe with consent of municipal officers, but not so as to prevent passage of carriages, § 5, 470.
- Shares*, sale of, for assessments, notice how given, § 3, 469.
  - surplus money arising from, to be paid to owners of, § 3, 469.
  - registry and transfer of, § 4, 469, 470.
  - no person deemed a proprietor, unless the number owned by him recorded, § 4, 470.
  - proprietors have one vote for each share, § 5, 470.
  - deemed personal estate, subject to attachment, and to sale on execution, § 6, 470.
- Towns*, may draw water in case of fires, § 8, 470.
- Votes*, by proprietors, how regulated, § 5, 470.

**ARBITRATION,**

- assessment for entering public drains may be determined by § 5, 226; § 11, 227.
- judge of probate may authorize settlement of claims by, § 50, 515.
- settlement of controversies by, 782, 783. See *Reference of Disputes by Consent of Parties*.

**ARBITRATORS,**

- penalty for bribery of, §§ 8-10, 841.
- suits by or against warden of state prison may be determined by, § 22, 912.

**ARMED,**

- Force*, when and how called out to suppress riot, § 5, 845.
  - to suppress insurrection, § 9, 846.
- Vessels*, governor and council may employ to protect the coast of the state, § 10, 846.
- Persons*, going about, without just cause may be required to give bond to keep the peace, § 10, 870.

**ARMS, FIRE,**

- prover of, to be appointed by governor and council, § 33, 361.
  - his duties, § 33, 361.
- penalty for selling unproved, § 34, 361.
- may be kept by warden of state prison, § 37, 914.

**ARRAIGNMENT,**

- of prisoners, 886-889. See *Criminal Cases, Proceedings in Court in*.

**ARREST,**

- for contempt of court*, § 2, 581.
  - person once arrested for contempt, and giving bail not bailable on second arrest for same offence, § 7, 583.

**IN CIVIL ACTIONS.**

- what writs may be framed to authorize, § 2, 616. § 1, 792.
- on writs of scire facias, § 4, 616.
- not to be made on certain days, §§ 76-78, 631.
- bail bond may be given to officer making, 670-672. See *Bail in Civil Actions*.
- of debtors, on mesne process*, on contracts, not authorized, exceptions, § 1, 792.
  - how authorized when about to leave the state, § 2, 792.
  - disclosure thereon, §§ 3-7, 792, 793.
  - may give bond and disclose after judgment, §§ 15-18, 795.
  - on execution*, not allowed if debt is less than ten dollars, § 19, 796.
  - authorized in all other cases unless otherwise expressly provided, § 20, 796.
  - disclosures thereon, 796-800.
  - debtor disclosing property after having given bond on mesne process. subject to second, § 17, 795.
- debtor discharged from, on disclosure, free from, on same judgment, § 34, 799.
- creditor may voluntarily discharge from, effect thereof, § 35, 799.
- debtor fraudulently concealing or disposing of personal estate subject to second, § 38, 799. See *Debtors, Poor, Relief of*.
- habeas corpus*, persons discharged upon, not subject to second, for same offence, exceptions, § 29, 748.
- of insane persons*, provisions relating to, § 36, 749.
- married women*, not subject to, § 4, 492.
  - neither husband nor wife, subject to, on writ or execution, relating to property of wife, § 5, 492.

ARREST—*Continued.*

special police at camp meetings may make, § 15, 851.  
 sheriff, exempt from, § 17, 604.  
 of trespassers, by owners or occupants of improved lands, § 12, 863.  
 warden of state prison exempt from, § 23, 912.

## IN CRIMINAL CASES.

duties of magistrates to cause, §§ 5, 6, 875.  
 when made without warrants, and by whom, § 4, 880.  
 of persons, escaping into another county, how made, § 47, 609. § 5, 880.  
   discharge from in such cases on recognizance, § 6, 880.  
   removal of person under, from one county to another, § 7, 881.  
 and examinations of fugitives from justice in other states, § 7, 8, 901.

## FOR TAXES.

*Taxes*, delinquent assessors of, when liable to, § 81, 146.  
   collectors of, when liable to, § 136, 155.  
   for non-payment of, when authorized, § 106, 150.  
   may be made in any part of state, § 112, 151.  
   when may be made by sheriff and proceedings thereon, § 142, 143, 156.  
   for county or state, and discharge therefrom upon poor debtor's oath renders the town  
     liable for tax, § 144, 157.  
 person in custody or imprisonment upon, entitled to relief as upon execution for debt, § 41, 800.

## ARRESTS OF JUDGMENT,

not allowed in civil cases, § 26, 642.

## AROOSTOOK,

boundaries of, 951, 952.  
 road, wide rimmed wheels to be used thereon, § 10, 257.

## ARSENALS,

forts and military roads, land for, may be taken by governor and council, § 5, 62, 63.

## ARSON,

defined and penalty provided, §§ 1-6, 830, 831. See *Habitations and Other Buildings, Offences against*.

## ASHES,

pot and pearl, provisions relating to, 356-358. See *Inspection and Sale of Manufactured Articles*.

## ASSAULT,

penalty for, with intent to ravish, § 24, 829,  
 with dangerous weapon, with intent to maim, § 25, 829.  
   with intent to rob, murder, &c., § 25, 829.  
   with intent to commit arson, burglary or other felony, §§ 25, 26, 829.  
 definition of term, § 28, 829.  
 by convicts, on officers of state prison, § 34, 914.

## ASSAULT AND BATTERY,

defined and penalty provided, § 28, 829.  
 limitations of actions for damages for, § 81, 632.  
 actions for, survive, § 8, 690.  
 jurisdiction of magistrates in cases of, § 4, 875.  
 prosecutions for, may be stayed on reparation of injury and payment of costs, § 18, 883.  
 felonious assaults and assaults upon officers, excepted, § 18, 883.  
 civil actions for, how barred by such reparation, § 19, 883.

## ASSAYERS,

of ores and metals, governor to appoint one or more, 339.  
 oath, duties and compensation, 339.

## ASSEMBLIES,

unlawful, defined, and penalty provided, § 2, 844. See *Peace, Public, Offences against*.

## ASSESSMENTS,

on shares in corporations, may be enforced by sale, § 5, 394.  
   manufacturing, §§ 6, 7, 424.  
 proprietors of aqueducts may make, § 3, 469.  
 how enforced, § 3, 469.

**ASSESSMENTS—Continued.**

- on stockholders in banks*, court may make, when assets insufficient to pay debts, §§ 73, 74, 79, 417, 418.
  - amount of, may be deposited with receivers, § 73, 417.
  - if not paid, receivers may file bill in equity, § 74, 417.
  - proceedings and costs, §§ 74, 75, 417.
  - in making, court may have reference to liability of directors, § 78, 418.
- on kindred*, for support of paupers, §§ 10-13, 280.
- on members of mutual insurance companies*, directors may make, § 25, 433.
  - remedy if not paid, § 28, 434.
- proprietors of lands and wharves in common* may make, and enforce, §§ 7, 8, 474; § 13, 475.
  - of private ways and bridges, § 83, 255.
  - of common fields, § 19, 267.

**RAILROADS.**

- bondholders* organized into new corporation, after foreclosure of railroad mortgage, may make, to redeem from prior mortgage, § 57, 459.
  - if not paid, stock may be sold, § 58, 459.
  - delinquent stockholders not entitled to dividends, § 58, 460.
- funds so received to be applied solely to the redemption of prior mortgage, § 59, 460.
- of damages*, in actions of replevin, § 12, 736.
  - of waste and trespass, § 2, 731.
- of taxes*. See *Taxes, Assessments*.
  - of school district taxes, § 44, 192.
  - of parish taxes, § 9, 207.

**ASSESSORS,**

- of plantations, deemed municipal officers, § 4, 59; § 30, 245; See *Plantations*.
- towns*, to choose three or more, at annual meeting, § 10, 79.
  - not choosing, selectmen to be, § 75, 145.
  - penalty for neglect to choose, § 76, 145.
- power of county commissioners, to appoint, § 77, 145.
- to make returns to secretary of state of neat stock and agricultural products, § 32, 82, 83.
- to prepare lists of voters, and deliver to selectmen, § 1, 93. See *Elections*.
- general powers and duties of, relating to taxes, 129-147. See *Taxes. Assessors*.
- personal liability of, § 41, 138.
- penalty for refusal to be sworn, § 16, 80; § 85, 146; §§ 86, 92, 147.
- their compensation, § 75, 145.
- of school district taxes, 185, 191. See *Education of Youth. Assessors*.
- of parishes, 206-209. See *Parishes*.
- to deliver to highway surveyors, lists of assessments, of highway tax, § 44, 248.
- to re-assess highway tax on delinquents, § 48, 248.
- by vote of town, may issue warrants to highway surveyors, for collection of highway taxes of delinquents, § 57, 250.
- to deliver rate bills of highway taxes to road commissioners, with prices fixed for labor and materials, § 61, 250.
- to assess amount of fine imposed by court for defective highway, § 71, 253. See *Ways*.
- returns* required to be made to, by cashiers of banks and clerks of corporations, § 21, 396, their duties, relating to record of births and deaths, §§ 21, 22, 486.

**ASSETS,**

- of banks*, one year allowed receivers to convert into money and make report, § 71, 416.
  - receivers to make report of whole amount of, to bank, § 72, 417.
    - how applied, § 72, 417.
    - when insufficient, court may assess on stockholders, § 73, 417.
    - assessments not paid, bill in equity, may be filed by receivers, § 74, 417.
    - proceedings and costs, § 75, 417.
    - execution how issued, § 75, 417.
- of savings banks*, when insufficient to pay debts, bill in equity may be filed for equal distribution § 99, 422.
  - service how made, § 99, 422.
  - how distributed, § 101, 422.
- of insurance companies, insolvent*, may be placed in hands of receivers by supreme judicial court, § 48, 437; § 53, 439.
- of estates*, what may be omitted in inventory, § 46, 514.
  - for what, executors and administrators shall account, § 49, 515.



## ASSETS—Continued.

*of estates,*

- real estate, held by executors and administrators in mortgage or taken on execution deemed personal, till right of redemption expires, § 32, 525.
- mortgages of, to be assets in hands of executor or administrator, § 11, 705.
- goods returned on judgment in replevin against executor or administrator not deemed, § 9, 691.
- property attached, not to be, of estate of attaching officer, § 45, 624.
- executors or administrators to account for, when received more than four years after notice of appointment, § 13, 691.
- may be retained to pay debts not becoming due within the four years, § 14, 691.
- bond given, need not be retained, § 15, 691.

## ASSIGNEE,

- of chose in action*, sold by bank, may sue in his own name after surrender of charter, § 83, 419.
- distributed as assets, may sue in name of executor or administrator, saving right of set-off, § 29, 524.
- sold at probate sale, may sue in his own name or in name of executor or administrator, § 48, 515.
- coupons*, detached from railroad bonds and sold by delivery, may be sued in name of, § 29, 454.
- in assignment for benefit of creditors, to give bond, § 3, 544.
- to file copy of assignment and inventory within three days, § 3, 544.
- of judgment creditor*, land levied upon, to be held in trust for, § 14, 572.
- of bond or contract*, for conveyance of real estate, may be made party to bill in equity to compel specific performance and issue may be framed to jury as to validity of assignment, § 48, 578.
- of a grantee*, when he may maintain an action on real covenants of grantor, § 15, 640.
- in bankruptcy*, when bankrupt may maintain suit in his own name by consent of, § 45, 645.
- name of*, to be indorsed on writ commenced in name of assignor, or proceedings to be stayed, § 115, 655.
- judgment for costs how rendered, § 115, 655.
- not known until after judgment, defendant recovering costs may maintain an action against, within six years, § 116, 655.
- of a claim*, attached by trustee process, may become a party thereto, § 32, 679.
- of mortgager*, may file bill to redeem from fraudulent mortgage without tender, § 15, 706.

## ASSIGNMENT,

- taking on execution debts due to manufacturing corporations, to constitute, § 12, 425.
- of life insurance policy, valid, notwithstanding lien of creditors, § 65, 442.
- of railroad charters, forbidden, § 26, 453.
- of bond or contract for conveyance of real estate, validity of, how determined, § 48, 578.
- of demands, right of set-off, how affected by, §§ 51, 52, 646.
- how validity of, may be tried in trustee process, §§ 32, 33, 679.
- how trustee may be held, when demand of principal defendant against him has been assigned for security, §§ 86, 87, 688.
- of dower*, by judge of probate, 520, 523.
- expenses of, how paid, § 31, 502.
- how made in action for breach of covenant against incumbrances, when such incumbrance is a right of dower, § 17, 641.
- value of, to be the measure of damages in such actions, § 17, 641.
- in what lands widow entitled to, §§ 1, 2, 756.
- to be made specially, if it cannot be by metes and bounds, § 3, 757.
- if not made by judge of probate, and dower not set off by heir or tenant, widow may maintain action of dower, § 16, 758.
- how made after judgment in action of dower, § 23, 759. See *Dower, Assignment of*.
- of property which cannot be reached to be attached, by poor debtor on disclosure, § 14, 794; § 31, 798.

## ASSIGNMENTS FOR BENEFIT OF CREDITORS. CHAP. 70, pp. 543-545.

- Assigned property*, not liable to attachment or trustee process for six months, § 7, 545.
- Assignee*, to give bond, its conditions, § 3, 544.
- upon filing bond, to take possession of property assigned, § 3, 544.
- to file assignment and inventory in probate office, § 3, 544.
- Assignments*, shall provide for proportional distribution of assignor's estate among all creditors becoming parties thereto, and shall pass said estate whether specified or not, § 1, 543.

ASSIGNMENTS FOR BENEFIT OF CREDITORS—*Continued.*

- Assignments*, oath of assignor to be made thereto, § 2, 544.
- release may be inserted, discharging assignee from claims of creditors, § 2, 544.
- copy of, and inventory to be filed in probate office, § 3, 544.
- notice of, to be published in some newspaper, § 4, 544.
- three months allowed creditors to become parties thereto, § 4, 544.
- if duplicate, creditors to execute that held by assignee, in order to become parties, § 4, 544.
- not valid against attaching creditor, without oath and notice, § 5, 544.
- nor unless bond of assignee is filed and approved by judge of probate, § 5, 544.
- Chose in action*, sold by assignee, may be sued in name of purchaser, subject to all legal and equitable defences, § 10, 545.
- Compensation*, of judge, register and assignee, to be determined by the judge, subject to appeal, and to be paid out of estate, § 11, 545.
- Debtor*, discharged under law of assignment, no action against, unless renewal of promise is in writing, § 1, 786.
- Creditors*, to prove claims as before commissioners of insolvency, § 6, 544.
- to have right of appeal, and remedy on assignee's bond, § 6, 545.
- not a party to assignment, may trustee assignee for excess, after lapse of eighteen months from assignment, or two years if probate court extend the time so far, § 7, 545.
- suit of, instituted before that time, may be continued on terms, as court directs, § 7, 545.
- Release*, may be inserted in assignment, discharging debtor from claims of all creditors becoming parties thereto, § 2, 544.
- Transfer*, of property by assignor, prior to assignment, void; and property passed to assignee, § 8, 545.
- such property may be recovered by assignee, and applied for benefit of creditors, § 8, 545.
- Vacancy*, in office of assignee, may be filled by judge of probate, § 9, 545.
- assignee may be removed if he becomes incapable, or refuses, or neglects to perform the trust, § 9, 545.

ASSUMING,

- falsely, to be a justice of the peace or officer, § 20, 843.

ASSUMPSIT,

- may be maintained on coupons detached from bonds and sold by delivery, § 29, 454.
- limitation of actions of, § 79, 631; § 84, 632.
- by inhabitants of towns to recover value of private property sold on execution against towns, § 31, 669.
- lies to recover damages assessed for flowing lands by mill dams, § 15, 723.
- to enforce liens, what declaration in, must contain, § 36, 718.
- sums due for rent on leases under seal, or otherwise, and damages to leased premises may be recovered in action of, § 10, 731.
- tenant in common or joint, taking more than his share of the rent liable to the others in, § 16, 734.
- original defendant upon reversal of judgment on error, may maintain, for so much of judgment as has been satisfied, § 5, 754.
- for betterments by tenant ousted after six years' possession, § 43, 767.
- may be brought by master of house of correction, to recover expense of supporting prisoner § 14, 920.

ATTACHMENT,

- of property in this state gives jurisdiction to courts of this state, § 12, 617.

OF PERSONAL PROPERTY.

- of personal property*, 619-625.
- and sale of, on writ, 621-623.
- of part owners and disposal thereof, §§ 39, 40, 623.
- mortgaged, pledged or subject to lien, 623, 624.
- effect of death or removal of officer or replevying of property, §§ 45-48, 624.
- of either party, §§ 49-53, 625.
- previously attached and replevied from attaching officer, how made, § 47, 624.
- surplus, in the hands of assignee for benefit of creditors, when subject to, § 7, 545.
- of proceeds of personal property sold, while in the hands of officer, § 36, 622.
- continuance of, when property is replevied, § 16, 737.
- proceeds, applied in order of attachments, § 21, 667.
- franchise of corporations*, having right to take toll, subject to, § 14, 395.
- of proprietors of aqueducts, subject to, § 6, 470.

## ATTACHMENT—Continued.

- of stock*, in banks, § 18, 406.
  - when subject to lien for taxes, § 32, 136.
- in aqueducts, § 6, 470.
- in corporations, how made, § 25, 620.
- notice of second, on stock and other personal property, which can be attached without taking possession, to be given to first attaching officer, § 22, 667.

## OF REAL ESTATE.

- Of real estate and interests therein*, §§ 54-58, 625, 626
  - of right of redemption, holds the premises free, when incumbrance is removed, § 55, 625.
    - or to conveyance by contract, not defeated by discharge of incumbrance or fulfilment of contract by debtor, § 57, 626.
  - of banks* and their interests as mortgagees, § 18, 406.
  - how partition is made, when share of heir or devisee is under, § 14, 522.
  - of estates or equities, made before levy or sale effectual upon right of redemption, against attachments made after levy or sale, § 37, 576.
  - of debtor's right to conveyance of real estate, takes effect on premises after delivery of deed, § 46, 573.
  - on share of real estate, held in common, valid on separate share after partition, § 28, 697.
  - injunction* may issue to prevent waste on real estate under, § 7, 732.
- Real and personal estate, of corporations*, subject to, § 14, 395.
- of foreign corporations*, within this state, subject to, § 16, 396.
- of incorporated proprietors of aqueducts, subject to, § 6, 470.
- in case of prior attachment on, seized on execution, how lien under the execution preserved, § 24, 668.
- when removed, how service of execution may be completed, § 25, 668.

## TO ENFORCE LIENS.

- to enforce lien of mutual insurance company on real estate of insured, § 27, 434.
- on boats to secure amount of damage to, or loss of, property transported, takes precedence of lien or transfer subsequent to such loss or transfer, § 6, 467.
- to enforce lien on share of heir for debt due intestate: limitation, § 11, 568.
- liens on vessels, § 7, 712; §§ 10-12, 713, 714.
- how vessels under, for non-lien claims, may be attached for lien claims, § 22, 716.
- how vessels under, for lien claims, may be attached for non-lien claims, § 23, 716.
- to enforce lien on lime, lime-rock and slate, § 26, 716.
  - on buildings and lots, for labor and materials, or for rent, §§ 27-33, 716, 717.
  - on logs and lumber, §§ 34, 35, 718.

## EXEMPTED PROPERTY.

- settler on public lands, may hold his lot to the value of one thousand dollars free from, § 35, 119.
- burying-grounds exempt from, § 7, 225.
- property and shares in public cemeteries exempt from, § 11, 473.
- life insurance policies exempt, when annual premium does not exceed one hundred and fifty dollars, § 65, 442.
- property assigned for benefit of creditors, not subject to, for six months after notice, § 7, 545.
- chattels* exempt from, enumerated, § 59, 626, 627.
  - not subject to at common law, exempted, § 22, 619.
- homesteads*, when and how exempted, §§ 60-63, 628.

## ON WHAT PROCESSES.

- may be made on libel for divorce, § 4, 438.
- what writs may be framed to authorize, § 2, 616.
- may be made on bills in equity, § 6, 532.
  - on writs of *scire facias*, § 4, 616.
    - in trustee process, § 2, 675.
- may be made on writs of forcible entry and detainer, § 4, 729.
  - on writs of entry, § 1, 761.
    - in actions of dower, § 1, 761.
  - on petitions for review, § 2, 699; § 9, 700.

## HOW DISSOLVED.

- on property of savings banks, dissolved by appointment of receivers, § 100, 422.
- when dissolved by assignments for benefit of creditors, § 5, 544.

**ATTACHMENT—Continued.**

- in trustee process, dissolved if demand not made on trustee within thirty days after judgment, § 73, 686.
- dissolved at the end of thirty days after judgment in original suit, § 64, 628.
- to continue in force till thirty days after next term when decision of law court is received in vacation, § 16, 584.
- dissolved by final judgment for defendant, § 65, 628.
- by decree of insolvency on defendant's estate, § 65, 629.
- by reference of suit and all demands, § 65, 629.
- when, by amendment of declaration, § 65, 629.
- how, by filing bond, 629; 630.
- not revived by entry of appeal from trial justice, out of course, by leave of court, § 7, 639.
- by proceedings in review, § 9, 700.
- property disclosed on mesne process held subject to, § 9, 793.
- proceedings when debtor arrested on mesne process discloses property not exempt from, which cannot be reached, § 14, 794.
- when such property is disclosed on execution, § 31, 798.
- property disclosed by poor debtor after judgment, bond having been given on arrest on mesne process held subject to, § 17, 795.
- lien thereon, may be enforced, § 17, 795.
- how made after entry of writs, against new parties, § 11, 640.
- with intent to delay or defraud creditors, void, § 44, 645.
- proceedings in actions against bankrupts where property was attached four months prior to filing petition, § 46, 645.

**ATTACHMENT FOR CONTEMPT, § 2, 581, § 7, 583.**

- against sheriffs for neglect to serve writs of habeas corpus, §§ 26, 27, 748. See *Contempt*.

**ATTEMPT,**

- to murder, without assault, punishment for, § 27, 829.
- improperly to influence juror or referee, punishment for, § 10, 841.
- to aid persons in escaping from prison, § 16, 842.
- to commit criminal offences, where no express punishment is provided, § 8, 873.

**ATTENDANCE,**

- allowance to parties for, in supreme judicial court, § 14, 817, 818.
- See *Fees and Costs, Regulation of*.

**ATTORNEY,**

- power of towns to appoint, § 1, 77.
- service of writ on, in cross actions, § 74, 681.
- or creditor, no action maintainable on demand settled by, for less than amount due, § 38, 644.
- corporations summoned as trustees may disclose by, § 8, 676.
- persons living out of county may disclose by, § 23, 678.
- petition for review may be signed by, § 2, 699.
- when citation to creditor for poor debtor disclosure may be served on, § 21, 796; § 27, 797.
- who to be deemed, of adverse party for service of notice of taking depositions, § 7, 778.
- persons indicted for offences less than felony may appear by, § 22, 889.
- power of, stockholders may be represented at meetings of corporation by, § 12, 395.
- See *Proxies*.
- agents of insurance companies, to file, with insurance commissioner, § 50, 438.
- parties may give, to manage cases in court, § 19, 598.

**ATTORNEYS AT LAW,**

- Agreements*, corrupt, by, to procure business, § 12, 841.
- Applicant*, for admission to the bar not to be admitted without examination and certificate, § 18, 597.
- oath and payment of fee required, § 18, 597.
- Attorney*, parties may be represented by letter of, § 19, 598.
- failing to pay over money collected, may be summoned into court on written motion of claimant under oath, § 21, 598.
- appearing and answering, court may hear the cause and enter such decree as equity requires, § 22, 598.
- not appearing and answering, facts taken as confessed, § 22, 598.
- not performing decree, deemed guilty of contempt, and name stricken from roll of attorneys, § 24, 598.

ATTORNEYS AT LAW—*Continued.*

*Attorney*, exceptions may be filed by either party and allowed, unless frivolous, § 23, 598.

lien of, on execution for fees and disbursements, § 27, 668.

penalty for overcharging, § 27, 822.

*Claimant*, of moneys collected by, may sue at common law, before motion, or after adverse decision thereon, § 25, 598.

prevailing in suit, attorney may be arrested and committed and shall not disclose for 90 days, § 25, 598.

*Costs*, taxable for, in civil actions, § 14, 817. See *Fees and Costs*.

*Examining Committee*, to be annually appointed by supreme judicial court in each county, § 18, 597.

to examine applicants for admission to bar, § 18, 597.

to give certificate, if applicant qualified, § 18, 597.

*Fee*, for admission to practice, to be paid to county treasurer for law library, § 11, 170.

*Notice*, for serving upon, in taking depositions, who may be deemed, § 7, 778.

*Parties*, may manage and plead their own causes, § 19, 598.

may employ counsel not exceeding two on each side, to manage causes, § 19, 598.

*Professional Services*, pay for, not recoverable by person not admitted to the bar, § 20, 598.

## ATTORNEYS, COUNTY,

to prosecute town clerk and other officers for default in making return of votes, § 34, 99; § 62, 103.

not eligible as county treasurer, § 6, 170.

to appear for county when county liable for damages for location of highways, § 11, 241.

to set forth the fact of previous conviction in indictment under the liquor law, § 45, 308.

not to dismiss or fail to prosecute without order of court, § 45, 308.

to cause sentence to be rendered at the same term as conviction, § 46, 308.

to enforce penalties for killing moose, deer and caribou, § 10, 324.

to prosecute for violation of law in regard to the employment of children in manufactories, § 16, 426.

to sue for penalties on application of insurance commissioner, § 59, 440.

railroad companies to give immediate notice to, of accident resulting in death of any person, § 23, 455.

to take charge of proceedings instituted by railroad commissioners, against railroad companies, whose roads are unsafe, § 75, 463.

attorney general to give instructions to, § 24, 586.

election, tenure of office, and duties, § 12, 596.

only residents eligible to office of, removal vacates office, § 12, 596.

to act for the state or county in legal proceedings, § 13, 596.

to perform the duties of attorney general in his absence, § 13, 596.

to enforce payment of fines and costs accruing to state, § 14, 596.

to enforce performance of their duties by sheriffs, coroners and constables, § 14, 597.

to move county commissioners to examine into sufficiency of sheriffs and coroners bonds, § 14, 597.

penalty for neglect, § 14, 597.

shall make annual report to attorney general, § 15, 597.

penalty for neglect, § 15, 597.

court may appoint substitute in case of vacancy or absence, § 16, 597.

compensation of substitute, § 16, 597.

not to receive fee or reward from prosecutor, or be engaged in civil actions connected with prosecutions, § 17, 597.

to cause witnesses in behalf of state to recognize, § 17, 597.

citation, for disclosure of debtors to the state, to be served upon, § 63, 804.

salaries of, § 2, 807.

not allowed costs or fees, except for assistance in trials of capital cases, § 2, 807.

may administer oaths to witnesses before grand jurors, § 6, 886.

as prosecuting officers, may issue summons for witnesses, § 15, 887.

to enforce penalties against officers failing to pay over fines collected, § 4, 895.

duty of, in relation to fines and costs due the state, §§ 14, 15, 897.

notice of applications for pardon to be given to, § 2, 900.

of Knox county, when to file information against convicts, who have been more than once in state prison, § 29, 915.

## ATTORNEY GENERAL,

when to prosecute treasurer of state for violation of law, § 47, 70.

ATTORNEY GENERAL—*Continued.*

- duty of, when commissioner of the treasury is appointed, § 62, 72.
- duty of, in case of official misconduct of register of deeds, § 12, 168.
- not eligible as county treasurer, § 6, 170.
- to examine and certify certificates of companies incorporated under general law; fee, § 19, 426.
- to file information against railroad corporations, upon assignment or lease of their roads, § 26, 454.
- to take charge of proceedings in court instituted by railroad commissioners against railroad companies, whose roads are unsafe, § 75, 463.
- shall attend law courts and capital trials, and instruct county attorneys, § 24, 586.
- cause witnesses in behalf of state to recognize for their appearance at court, § 25, 586, 587.
- may procure attendance of witnesses residing out of the state, § 25, 587.
- shall make annual report in December to governor and council, § 26, 587.
- what report shall contain, § 26, 587.
- shall not receive compensation from or in behalf of any prosecutor, or engage as counsel or attorney in civil actions depending on same facts, § 27, 587.
- clerk of courts to furnish, with full copies of cases in law court, in which state is party, § 5, 595.
- notice to be given to, before person confined on criminal charge is discharged on habeas corpus, § 15, 746.
- to be notified to attend disclosure of debtor to the state, § 57, 803.
- salary of, § 1, 806.
- to make complaints to supreme judicial court, against lotteries, § 4, 866.
- may request magistrates to issue summons for witnesses, § 8, 876.
- may administer oaths to witnesses before grand jurors, § 6, 886.
- as prosecuting officer may issue summons for witnesses, § 15, 887.
- county treasurers to make annual report to, of costs of prosecutions, § 13, 897.
- when to file information against convicts who have been more than once in state prison, § 39, 915.

AUCTION,

- articles left by passengers on railroads to be sold at, § 44, 457.
- sales of real estate, by license of court, when to be at, 548, 549.
- See *Real Estate, Sales of, by License of Court.*
- sales of certain rights and interest in lands on execution, to be at public, § 33, 576.
- if highest bidder does not pay price, to be sold again, § 33, 576.
- sales of personal property at, on execution, 664-669.
- See *Execution, Levy of, on Personal Property.*

AUCTIONS AND AUCTIONEERS, CHAP. 34, pp. 331-333.

- municipal officers to license auctioneers, and keep record thereof, § 1, 332.
- persons so licensed exempt from liability to deduct 2 1-2 per cent, § 1, 332.
- appeal to county commissioners, if municipal officers refuse to license, § 2, 332.
- to keep account of goods sold; if sold for the benefit of persons out of the state, to deduct two and a half per cent. for the use of the town, § 3, 332.
- no person to act under them, unless a legal voter in same town, penalty for, § 4, 332.
- not to receive goods for sale of minors or servants, nor to sell before sunrise nor after sunset, penalty for, § 5, 332.
- land lying partly in one town and partly in another, may be sold by, in either, § 6, 332.
- not to sell without license, nor out of towns covered by license, penalty for, § 6, 332.
- tenants of any building, not to permit persons to sell therein, unless they are licensed, penalty for, § 7, 333.
- provisions not to extend to sheriffs, coroners, constables or collectors, § 8, 333.
- fines, how recovered and appropriated, duty of officers to make complaint, § 9, 333.

AUDITA QUERELA, WRIT OF, CHAP. 100, p. 750.

- writ, form of, to be signed, sealed, tested and indorsed, § 1, 750.
- in what court and county to be brought, § 2, 750.
- defendant not appearing, to be defaulted, § 3, 750.
- answering, trial to be had as in other actions, § 3, 750.
- complainant may declare for and recover special damages, § 4, 750.
- pleadings of defendant, and exceptions to rulings of court § 5, 750.
- complainant in prison, court may admit him to bail, § 6, 750.
- bail bond and conditions thereof, § 6, 750.
- surrender of complainant to jail, effect of, § 7, 750.
- when writs of, to be indorsed, § 6, 616.
- remedy by, if execution is wrongfully issued on recognizances for debt, § 6, 789.

## AUDITORS,

of accounts, towns containing 1000 inhabitants may choose, § 10, 79.  
 when courts may appoint, § 62, 647.  
 notice to parties required; power to adjourn, § 62, 647.  
 may summon witnesses and administer oaths, § 62, 647.  
 all must hear, majority must report, § 63, 647.  
 may be discharged and others appointed, § 63, 647.  
 compensation, report and proceedings thereon, §§ 63, 64, 647.  
 proceedings, when defendant in action of account fails to appear, § 65, 647.  
 penalty for bribery of, or attempts to corrupt, §§ 8, 10, 841.

## AUGUSTA,

the seat of government, § 19, 65.

## AWARD,

of railroad commissioners, as to controversies between crossing or connecting roads, §§ 76, 77, 463, 464.

## BADGE,

watchmen to carry, § 5, 287.

## BAGGAGE,

and effects, left by passengers on railroads, to be sold, after publication of notice, 456, 457. See *Railroads*.  
 same provisions applicable to steamboats, § 7, 467.  
 infected, §§ 6, 7, 217. See *Contagious Diseases*.  
 lien of innholders and boarding house keepers, upon, § 38, 718.  
 penalty for injury to, by baggage masters and other persons, § 18, 864.

## BAIL IN CIVIL ACTIONS, CHAP. 85, 670-672.

*Bail*, to be by bond to officer, conditions and return of bond, § 1, 670.  
 bond to be signed by two sureties; one surety only, officer responsible for deficiency, § 2, 670.  
*bond valid*, though signed by one surety, § 3, 670.  
 though signed by two sureties having not sufficient property in the county, § 3, 670.  
 may exonerate himself by surrendering his principal to jail, and leaving with jailer copies of papers and notifying plaintiff, § 4, 670.  
*jailer*, to receive such principal, § 4, 670.  
 names of, to be entered on execution, § 5, 671.  
 officer to notify bail, manner of his notice and demand for fees, § 6, 671.  
*may surrender principal* in court before final judgment, § 7, 671.  
 avoidance of principal, bail to satisfy judgment, § 8, 671.  
 responsible to creditor in scire facias, § 9, 671.  
 creditor may allege only that the defendants become so in the original action, § 9, 671.  
 may plead jointly or severally, and of what they may avail themselves in defence, § 10, 671.  
 may show special matter in discharge, § 10, 671.  
*may surrender principal* on scire facias, § 11, 671-67.  
 taken in a justice action, proceedings, § 12, 672.  
*surrender* and commitment of principal in such case, § 13, 672.  
 duties of officers to attend in such cases, fees and responsibilities for neglect, § 14, 672.  
*surrender of principal*, before and after judgment, duties of officers thereon, § 15, 672.  
 to have action against principal for damages sustained as surety, § 16, 672.

## BAIL,

persons arrested for contempt and giving bail not entitled to, if again arrested for disobeying same order or decree, § 7, 583.  
 not revived by entry of appeals in supreme judicial court, out of course, by leave of court, § 7, 639.  
*scire facias*, against, may be issued by trial justices, § 22, 662; § 12, 672.  
 not continued by proceedings in review, § 9, 700.  
*excessive*, powers of supreme judicial court, § 9, 745.  
 may be taken by supreme judicial court on habeas corpus, after commitment, § 17, 746.  
 power of justice of peace to admit to, in such case, § 17, 746.  
 party brought before court upon habeas corpus, may give, from day to day, § 24, 747.