

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

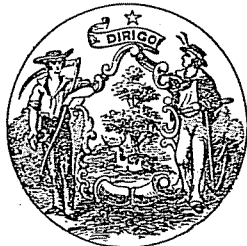
PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

OUSTER,

- of demandant, in real actions, or withholding possession from him, deemed disseizin for the purpose of trying the right, § 7, 762.
- of tenant, after six years, how betterments may be recovered, § 43, 767.

OVENS,

- to be repaired or removed, by order of municipal officers, § 17, 292.

OVERSEERS,

- of *houses of correction*, county, appointment, duties and compensation of, § 2, 918.
 - town, appointment, duties and compensation of, §§ 18-24, 921.
 - certain persons not allowed to keep boarders or lodgers, without license from, § 9, 849.
 - to prosecute such persons keeping boarders or lodgers without such license, § 9, 849.
- of *poor*, choice of; selectmen to be, when none are chosen, § 10, 79.
 - license to sell real estate, not to be granted in certain cases, without consent of, § 10, 549.
 - duties relating to houses of correction, 920-922. See *Houses of Correction*.
 - may object to settlement of bastardy suit, § 8, 739.
 - may procure extension of imprisonment of paupers in houses of correction, § 6, 919.
 - notice of commitment to houses of correction to be given to, § 7, 919. See *Paupers*.
- of *workhouses*, appointment and duties of, §§ 2, 3, 5, 261.
 - meetings, and officers of, §§ 6, 7, 261.
 - proceedings at meetings, and by-laws of, § 8, 261.
 - may commit certain persons to workhouses, § 11, 262.
 - controversies between masters and, how determined, § 17, 263.
 - persons not discharged without order of, § 18, 263. See *Workhouses*.

OWNER,

- shipper, factor or agent, when and for what purposes deemed to be, § 1, 326.
- of lost goods, proceedings, if he appears in one year, § 12, 742.
 - if he does not appear, § 13, 742.
- construction of term, in indictments, § 10, 873.

OXEN,

- when exempt from attachment, 627.
- penalty for unlawfully taking, § 3, 861.

OXFORD COUNTY,

- boundaries of, 947.

OYSTERS,

- regulations respecting planting and taking, § 22, 368.

PAGE,

- in the computation of fees, two hundred and twenty-four words to constitute, § 22, 821.

PAGEANTRY,

- or imagery, for public show, prohibited in streets, in night time, § 12, 287.

PAPER,

- packing and sale of, regulated, §§ 23, 24, 359.

PAPERS,

- valuable, penalty for destroying, injuring or secreting, § 15, 864.

PARDONS,

- power of governor to grant, in capital cases, § 8, 892.
- conditional, may be granted to persons under sentence of death, § 1, 899.
- notice of petitions for, to be given to county attorneys, and to be published, § 2, 900.
- in cases of petitions for, governor and council may require judge and prosecuting officer to furnish statement of case, as it appeared on trial, § 2, 900.
- when sentence may be commuted to imprisonment in jail, § 3, 900.

PARENTS,

- liable for certain offences committed by minors, § 90, 203; § 14, 288.
- to give notice to town clerks of births and deaths, § 21, 486.
- and children, 486, 487.
- their power to bind children as apprentices, 493, 494.
- when competent, may have care of person and education of minor children, § 3, 533.
- living, must give written consent to adoption of child, § 29, 538.

PARENTS—*Continued.*

consent by one, sufficient in certain cases, § 29, 538.
divested by decree of adoption of all legal rights as to child, § 31, 538.
duties of, of insane minors, § 11, 930. See *Father and Mother.*

PARISHES AND RELIGIOUS SOCIETIES, CHAP. 12, 206-213.

meetings to form a parish, how called and notified, § 1, 206.
may be declared a corporation, choose needful officers and assume a name, § 2, 206.
take, hold and convey, real and personal estate, and establish by-laws, § 3, 206.
annual and other meetings of, how called and notified, § 4, 207.
what officers may be chosen at such meetings, § 4, 207.
clerk and assessors to be sworn, and manage concerns of parish, § 4, 207.
moderators of, their powers and duties, § 5, 207.
special meetings of, how called, §§ 6, 7, 207.
when no meeting has been held for three years, how called, § 8, 207.
may raise money for parish purposes, to be assessed and collected as state taxes, § 9, 207.
money so raised, may be assessed on the pews or seats, § 10, 207.
pews or seats may be sold for taxes, § 11, 207.
owners of pews may direct to what sect their pew tax shall be paid, § 12, 207.
may insure buildings, money received from insurance, for what purpose held, § 13, 208.
manner of admission to parish, § 14, 208.
persons deemed members; connection how dissolved, § 16, 208.
no person compelled to belong to a parish, manner of withdrawal, § 16, 208.
territorial, not dissolved, what shall be first parish, § 17, 208.
certain persons not entitled to vote at parish meetings, § 18, 208.
church wardens and other persons so far corporations as to take donations of real and personal estate, § 19, 208.
ministers and other officers invested with certain powers, § 20, 209.
conveyance by parish officers, when valid, § 21, 209.
records of, to be open to inspection, clerk to furnish copies, § 22, 209.
collectors and treasurers of, their powers and duties, § 23, 209.
overseers of monthly meetings of quakers may take and hold real and personal estate, § 24, 209.

MEETING HOUSES, 210-212. See *Meeting Houses.*

MINISTERIAL AND SCHOOL LANDS, AND FUNDS ARISING THEREFROM, 212, 213.

See *Ministerial and School Lands.*

PARISHES,

responsible for doings of their assessors in assessment of taxes, § 41, 138.
taxes may be assessed and collected by, as state taxes are, § 9, 207.
to fence public burying grounds owned by them, § 4, 224.
suits by and against, where brought, § 13, 618.
service of writs upon, § 18, 618.
cannot be held as trustees, § 8, 676.
treasurers to sue for trespass on property of, § 10, 733.

PARSONAGES,

and houses of religious worship, exempt from taxation, § 6, 130.

PAROL EVIDENCE,

when foreign laws may be proved by, § 98, 653. See *Evidence.*

PARTIES,

may plead and manage their own causes in court, § 19, 598.
not excused nor excluded from being witnesses, § 82, 650.
exceptions, § 87, 651; § 88, 652.
in interest, when not parties of record, when entitled to writs of review, § 1, 699.
and attorneys, costs taxable for, in civil actions, § 14, 817.

PARTITION OF REAL ESTATE, CHAP. 88, 693-697.

Partition, persons seized of real estate may have action for, by writ at common law, § 1, 694.
petition for, to be addressed to supreme judicial court, § 2, 694.
what must be stated in petition, § 2, 694.
may be filed in vacation, if all the co-tenants are named, § 3, 694.
service of, how made, § 3, 694.
all co-tenants not named, it may be presented in any county, but made returnable where the estate is, § 4, 694.

PARTITION OF REAL ESTATE—Continued.

- Partition*, petition for, notice upon, to be such as court orders, § 4, 694.
 person not named in, but interested, may appear and defend suit at any time before final judgment, § 5, 694.
 pleadings in, how made, §§ 5, 6, 694.
 court to appoint guardians for infants, or insane persons, interested in, § 7, 694.
 may appoint agent for persons interested out of state, § 7, 694.
 of time of occupancy in a saw mill, may be made, § 8, 694.
 respondent in an action for, found to have no estate, liable for costs, § 9, 695.
 petitioner for, owning less than claimed, to have partition, liable for costs, § 10, 695.
 found entitled to share claimed in, owner to recover costs, of respondent, § 10, 695.
 petition for, not abated by death of either party, § 12, 695.
 owners may join or sever in petition, § 11, 695.
 dying or conveying estate, court may amend by inserting names of heirs, devisees or grantees, § 11, 695.
 heirs or devisees, may be cited to appear, § 12, 695.
 on service, they become parties to, proceedings, § 12, 695.
 ordered by court, commissioners to be appointed to make division, § 13, 695.
Commissioners, to consist of three or five, to be appointed by court, § 13, 695.
 to be sworn, and give notice of time of making partition, §§ 14, 15, 695.
 all must be present, but report of majority valid, § 15, 695.
 how to divide when one tenant has had exclusive possession and made improvements, § 16, 695.
 proceedings, if estate cannot be divided equally, § 17, 696.
 court to audit charges attending the partition, § 18, 696.
 new partition to be made in certain cases; proceedings, §§ 19, 20, 696.
 to sign written return of their proceedings, § 21, 696.
 report may be confirmed, recommitted, or set aside by court, § 21, 696.
 report confirmed, judgment to be entered by clerk, § 21, 696.
 to be recorded by register of deeds, § 21, 696.
 to be conclusive on all parties or privies to judgment, § 22, 696.
Partition, may be had anew, if a part owner was out of the state and not notified, § 23, 696.
 proceedings on such new partition, § 23, 696.
 not conclusive, upon a person, claiming in severalty, not a party to proceedings, § 24, 696.
 how far conclusive on a person claiming a share assigned to, or left for a part owner, § 25, 697.
 how far conclusive on a part owner to whom no share was assigned, § 26, 697.
 to be made anew, if part owner is evicted by an elder and better title, § 27, 697.
Mortgage, attachment or other lien, attaches to the part set-off in severalty, § 28, 697.
Lots reserved, for public uses, to be set-off by commissioners before partition is made, § 29, 697.
 commissioners' return accepted and recorded, a valid location, § 29, 697.
Petition for partition, when to be indorsed, § 6, 616.

PARTITION OF REAL ESTATE BY PROBATE COURT, 521.

- Judge of probate*, in what cases partition may be ordered by, § 8, 521.
 may divide reversions and remainders, § 9, 521.
 shall appoint three commissioners to make partition, § 10, 521.
Commissioners, appointed, to be sworn, § 10, 521.
 manner of discharging their duties, § 10, 521.
 separate, to be appointed, when estate is in different counties, § 11, 521.
 to make partition in such case, as if there were no other estate to be divided, § 11, 521.
 proceedings when equal division cannot be made without great inconvenience, § 12, 521.
 to give preference in making assignments on account of age or sex, § 12, 521.
Real estate, conveyance of interest of heir or devisee, not to take from judge of probate his jurisdiction to divide or assign, § 13, 521.
 equitable owner may petition for share of heir or devisee, § 13, 522.
 share, or value thereof, may be granted him, § 13, 522.
 when share of heir or devisee is under attachment, money may be paid to attaching officer, § 14, 522.
 attaching officer to hold such money, subject to the rights of parties, § 14, 522.
Partition, to be made among all the owners of ancestor's estate, on application of heir, § 15, 522.
 to be made of all the estate, on application of devisee, § 15, 522.
 may be made on application of owners of share, after notice, § 16, 522.

PARTITION OF REAL ESTATE—*Continued.*

Partition, notice to be personal, to owners in the state, and public, to those residing out of the state, § 16, 522.

of real estate, warrants for, may be revoked, § 17, 522.

guardians for minors, and agents for non-resident owners, to be appointed, § 18, 522.

proceedings, when land is owned in common with other parties, § 19, 522.

notice to be given to co-tenant and commissioners first to set off estate of deceased from that of co-tenant, § 19, 523.

return, of commissioners, may be set aside by judge and re-committed, § 20, 523.

when accepted, to be recorded, § 20, 523.

to be binding saving right of appeal, § 20, 523.

expenses of, how paid, § 31, 502.

PARTITION FENCES, 263-270. See *Fences and Common Fields.*

PARTNERS,

personal estate of, how taxed, § 27, 134.

liable for offences of co-partners against liquor law, § 55, 311.

when there is a dormant partner, claims may be set off as if there were none, § 50, 646.

PARTNERS, ESTATES OF DECEASED, CHAP. 69, 542, 543.

Administrator, to include in inventory, property of partnership, § 1, 542.

Property to be administered, unless surviving partner gives bond, § 1, 542.

Bond of surviving partner, its conditions, § 2, 542.

Judge, power to cite principal and adjudicate on his accounts, § 3, 542.

Parties, interested, have remedies on bond as if he were an administrator, § 3, 542.

Survivor, not giving bond, administrator to give bond and administer, § 4, 542.

Administrator may use name of survivor to collect debts, § 4, 545.

Surviving partner, to deliver property to administrator, for appraisal and administration, § 5, 542.

neglecting to do so, judge may enforce obedience, § 5, 542.

filing bond, may apply for commissioners on disputed claims, in the same manner and with the same effect, as administrators or executors, § 6, 543.

if estate is insufficient to pay partnership debts, may represent it insolvent, § 6, 543.

proceedings the same as in case of other insolvent estates, § 6, 543.

heretofore had, made valid, § 6, 543.

private estate of, and also of deceased partner, holden for balance of partnership debts, after assets of firm exhausted, § 6, 543.

PARTNERSHIPS, LIMITED, CHAP. 33, 329-331.

conditions and liabilities of, to pertain to mercantile, mechanical, and manufacturing business, § 1, 329.

certificate of, to be signed, acknowledged, and recorded, to be published in a newspaper in the county, or in state paper, §§ 2, 3, 5, 330.

mis-statements in, all persons interested to be liable for, § 4, 330.

business of, how conducted, liability of special partner, § 6, 330.

capital not to be withdrawn, liability in case partnership property is not sufficient to pay debts, § 7, 331.

how suits are to be commenced and prosecuted, § 8, 331.

not to be dissolved before time specified in certificate, except upon notice, § 9, 331.

supreme court to hear and determine, in equity, questions between co-partners, § 10, 331.

PARTNERSHIPS,

equity powers of supreme court in cases of, § 5, 532.

penalty for unauthorized use of firm name, § 9, 339.

PART OWNERS,

taxation of real estate of, § 28, 135.

proceedings when property of, is attached on suit against one, §§ 39, 40, 623.

of vessels, and other personal or real property, equity powers of supreme judicial court in proceedings between, § 5, 532.

PARTRIDGES,

destruction of, when prohibited, § 16, 325.

PASSAMAQUODDY INDIANS, 173-177. See *Indian Tribes.*

PASSENGERS,

- in infected vessels, or from infected places, restrictions on, § 18, 219.
- foreign, regulations respecting the landing of, § 39, 285.
- on railroads, provisions for safety of, 455, 456.
- baggage and effects of, §§ 43-46, 456, 457.
- in steamboats, effects of, left, to be advertised, § 7, 467.
- penalty for injury to baggage of, by express agents and others, § 18, 864.

PAUPERS, THEIR SETTLEMENT AND SUPPORT, CHAP. 24, 277-285.

settlement of, how acquired, § 1, 278.

I. of married women.

II. of legitimate children.

III. of illegitimate children.

IV. upon division of towns.

V. of apprentices.

VI. by residence of five years.

VII. on March, 21, 1821.

VIII. upon the incorporation of towns.

settlements to remain; defeated by new ones; if begun to be acquired under existing laws, not affected by repeal of them, §§ 2, 3, 279.

towns to relieve, may raise money therefor, § 4, 279.

overseers, choice, powers and duties of, §§ 4, 5, 279.

towns may contract for support of, not to be bid off at auction, § 6, 279.

may unite in the purchase of a farm, for the support of, § 7, 279.

overseers to constitute a joint board, may establish rules, appoint superintendent, § 8, 280.

kindred liable for the support of, § 9, 280.

such support to be compelled by supreme court, upon complaint, § 10, 280.

complaint may be amended by inserting other names; service, how made, § 11, 280.

court may assess for future support, may order with whom to reside, § 12, 280.

make further order, or change those already made, § 13, 280.

children of, may be bound out by overseers, how and to whom, § 14, 280.

overseers to inquire into treatment of, may complain to court for ill-treatment, court may discharge, § 15, 281.

damages for the benefit of, recoverable on bond, suit not to abate by death of overseers, § 16, 281.

upon becoming of age, may sue for damage, § 17, 281.

departing from such service, may be returned by a trial justice, upon complaint; those harboring, liable, § 18, 281.

may be discharged for gross misbehavior by court upon complaint, § 19, 282.

adults may be bound out by overseers, § 20, 282.

court may discharge such, upon complaint, § 21, 282.

persons and children in places not incorporated may be bound to service, § 22, 282.

relief provided for paupers residing in, and removing from unincorporated places, § 22, 282.

paupers so removing, having no legal settlement in the state, state to reimburse town affording relief, § 22, 282.

in unincorporated places, to be under care of overseers of adjoining town, powers and remedies in such cases same as in towns, § 22, 282.

sick, in places not incorporated, to be relieved, remedy for those who furnish aid, § 23, 282.

to be relieved by overseers, though having no settlement in town, expenses of relief, how and of whom recoverable, § 24, 282.

recovery of town estops it to dispute settlement, § 25, 283.

debtors in jail may be set to work by overseers, § 26, 283.

towns furnishing support, to notify those liable, § 27, 283.

answer to be returned within two months, liability, if not so returned, § 28, 283.

notice by mail sufficient, § 29, 283.

when removed, not to return, punishment for, § 30, 283.

having no settlement in the state, may be removed beyond its limits, § 31, 283.

towns liable to individuals who have furnished support for, § 32, 284.

intemperate, may be committed to the house of correction, by a trial justice, upon complaint of overseers, § 33, 284.

expenses incurred for the support of, may be recovered of executors or administrators, § 34, 284.

upon the decease of, overseers to take possession of personal property of, may sell the same, § 35, 284.

overseers may prosecute or defend a town, § 36, 284.

plantations may raise money for the support of, § 37, 284.

PAUPERS, THEIR SETTLEMENT AND SUPPORT—Continued.

- penalty for bringing, into town where they have no settlement, § 38, 284.
- masters of vessels, with passengers on board, their duties and liabilities, § 39, 285.
- vessel may be seized and sold for payment of fines and forfeitures, § 40, 285.
- towns may appoint officers to enforce provisions relating to the landing of passengers, § 41, 285.

PAUPERS,

- certificate of publications of intentions of marriage, not to be delivered to, § 5, 484.
- in actions by or against towns for support of, full costs allowed, § 107, 654.
- insane, expenses of support of, in insane hospital, §§ 12, 13, 930; §§ 18-20, 981.
- not to suffer the disabilities incident to pauperism, § 20, 932.

PAWNBROKERS AND INTELLIGENCE OFFICES, CHAP. 35, 333-335.

- PAWNBROKERS**, municipal officers may license, penalty for doing business without, § 1, 333.
- to keep record of all business done, in a book open to inspection, penalty for neglect, § 2, 334.
- interest fixed at six per cent., and twenty-five per cent., penalty for taking more, § 3, 334.
- not to sell property pawned, till the expiration of three months; sale, how made, and notice of, § 4, 334.
- to deduct from proceeds the amount of loan, and pay balance to the person entitled to redeem, penalty for neglect, § 5, 334.
- INTELLIGENCE OFFICES**, municipal officers may license, fee for license, penalty for keeping without, § 6, 334.
- penalties, how recovered and appropriated, § 7, 335.

PAYMENT,

- of fares on railroads, penalty for evading, § 41, 456.
- partial, effect of, upon limitation of actions, § 96, 634.
- of judgments, presumed, after twenty years, § 97, 634.
- in part, for goods of more than thirty dollars' value, renders written contract unnecessary, § 4, 787.

PEACE, PUBLIC, OFFENCES AGAINST, CHAP. 123, 844-846.

- Affrays*, between two or more persons, punished as assaults and batteries, § 1, 844.
- Assembly*, of three or more, to do unlawful acts, in a violent manner, what deemed, § 2, 844.
- doing unlawful acts in a violent manner, guilty of a riot, punishment for, § 2, 844.
- one person engaged in, may be convicted, if three or more are proved to have been engaged, § 3, 845.
- twelve or more persons, armed and riotously assembled, duty of magistrates and sheriffs to order to disperse, § 4, 845.
- refusing to obey, magistrates may command assistance in arresting, § 4, 845.
- punishment for refusing assistance to magistrates, when required, § 4, 845.
- magistrate refusing or neglecting to disperse unlawful assembly, § 4, 845.
- rioters refusing to disperse, magistrates may require aid, of armed force, or otherwise, § 5, 845.
- armed force called out, duty of, § 5, 845.
- persons present as spectators, or otherwise, killed or wounded, in suppressing riot, officers held guiltless, § 6, 845.
- magistrates killed or wounded, rioters held answerable, § 6, 845.
- pulling down houses and doing other premeditated injuries, how punished, § 7, 846.
- Towns*, their liability for injuries, done by mobs, to private property, § 8, 846.
- Insurrection*, governor empowered to call militia into service to suppress, § 9, 846.
- Coast*, of the state, governor and council may employ armed vessels to protect, § 10, 846.
- PEACE, PUBLIC**, persons may be required to give security to keep, 868-870.
- may be required as part of sentence, § 4, 891.
- breaches of, jurisdiction of magistrates in, § 4, 875.

PEARL AND POT ASHES,

- inspection and sale of, 856-858. See *Inspection and Sale of Manufactured Articles*.

PEAS,

- standard weight of bushel of, § 56, 352.

PEDLERS,

- of liquors, how punished, § 20, 300.
- and hawkers, 389, 390. See *Hawkers and Pedlers*.

PENALTIES,

- for refusal of certain town officers to be sworn, § 16, 80; § 85, 146; § 92, 147.
- of town officers to allow voters to examine reports of treasurer or selectmen, and vouchers, § 31, 82.
- for neglect of duty by town officers, § 45, 86.
- for offences affecting the purity of elections, 102-105.
- for refusal to aid a collector of taxes in execution of his duty, § 117, 151.
- imposed upon collectors for failure to exhibit collections once in two months, § 118, 152.
- for refusal to deliver up tax bills and pay over money collected, on demand, § 120, 152.
- for refusal of town treasurer to deliver deeds to purchasers, of land sold for non-payment of taxes, § 172, 164.
- for neglect of towns to elect superintending school committee, or supervisors, § 12, 186.
- for giving credit to students unlawfully, § 95, 204.
- relating to drains and sewers, §§ 1, 7, 226; §§ 8, 13, 227.
- for neglect of road commissioners or highway surveyors, to examine roads and remove defects, § 51, 249.
- relating to ferries, § 3, 258; §§ 6-8, 259.
- imposed upon towns for neglect to maintain pounds, § 1, 272.
- relating to prevention of fires, how recovered, § 28, 294.
- for failure of landlords to provide ladders and fire escapes, when required, § 7, 298.
- for allowing their houses to be used for gambling purposes, § 10, 298.
- for not obtaining license, as inholders or victualers, § 12, 298.
- in case municipal officers, or persons in their employ, purchase liquors of other persons than the state commissioner, or purchase adulterated liquors, § 16, 299.
- in case town agents for sale of spirituous liquors, fail to keep the record required by law, § 18, 300.
- for misrepresentations to agents, as to purposes for which liquors are purchased, § 18, 390.
- for sale of liquors by pedlers, § 20, 300.
- imposed upon insurance companies, how recovered, § 59, 440.
- upon railroads, for neglect to comply with provisions of law, at crossings, § 19, 452.
- upon town officers, for not making returns of marriages, births and deaths, § 22, 486.
- for embezzlement of property of deceased persons, § 67, 518.
- chancery powers of supreme judicial court, for relief from, § 5, 582.
- for certain offences, to be applied to building and repairing jails, § 39, 608.
- actions for, in what county to be brought, § 14, 618.
- prosecutions for, when to be commenced, § 90, 633.
- recoverable in actions of debt, when no other mode prescribed, § 14, 640.
- for neglect or frauds in drawing jurors, and for non-attendance of jurors, §§ 16-21, 775.
- for refusal of deponent to appear or to give testimony, § 29, 781.
- imposed on officers for taking illegal fees, § 27, 822.
- for offences, when no other provided by statute, § 1, 890. See *Fines and Forfeitures*.

PENOBSCOT COUNTY,

boundaries of, 949.

PENOBSCOT INDIANS, 173-177. See *Indian Tribes*.

PERAMBULATION,

of town lines, proceedings of municipal officers in relation thereto, § 41, 85.

PERFORMANCE,

when may be alleged in defence in actions of covenant, § 16, 640.

PERJURIES,

and frauds in contracts, prevention of, 786-788. See *Frauds and Perjuries in Contracts*.

PERJURY,

- false certificate and oath of loss of election returns, declared to be, § 60, 103.
- to testify falsely, as to claim against insolvent estate, declared to be, § 6, 528.
- witness guilty of, liable in damages to party injured, § 124, 656.
- alleged trustees, making false disclosures, guilty of, § 77, 687.
- of witnesses, when ground for review, § 1, 698.
- power of court, to commit witness deemed guilty of, § 3, 839.
- defined, and penalty provided, 839, 840.
- subornation of, defined and penalty provided, §§ 1, 2, 839.
- forms of indictments for, § 4, 839; § 5, 840.

PERMANENT,

school fund, investment of, and appropriation of interest arising from, § 91, 203; § 92, 204.

PERMITS,

to cut and haul timber on public lands, 119, 120. See *Lands, their Sale and Settlement*.
for entering public drains, 226-229. See *Drains and Sewers*.

PERPETUAM,

depositions in, how taken, 780, 781.

PERSON,

word may include a body corporate, § 4, 58.

PERSONAL ACTIONS,

actions, personal and transitory, where brought, § 9, 617.
limitation of, 631-634. See *Actions, Civil, Commencement of*.

PERSONAL ESTATE,

taxation of. See *Taxes*.

power of parishes to hold, § 3, 206; §§ 19, 20, 208, 209; § 24, 209.

trustees of ministerial and school lands, may take and hold, § 45, 213.

of corporations, after dissolution, vests in shareholders as tenants in common, § 36, 399.

of banks, to be delivered to receivers, § 64, 415.

shares in railroads deemed to be, § 27, 454.

limitation of amount to be held by libraries, charitable and other societies, § 4, 472.

shares in aqueducts deemed to be, § 6, 470.

franchise, fixtures, pipes and fountains, deemed to be, § 6, 470.

what, county and local agricultural societies may hold, § 9, 480.

married women may own, § 1, 491.

judge of probate may license sales of, by executors and administrators, § 48, 515.

of husband, allowance to widow from, §§ 21-23, 523.

of wife, allowance to husband from, § 26, 524.

distribution of, 524, 525.

lands, held by executors and administrators in mortgage, or taken on execution, deemed personal,

till right of redemption expires, and may be sold and distributed, §§ 32-34, 525.

of wards, sales of, by license of probate court, § 16, 536.

allowance may be made to adopted child, from estate of adopters, § 33, 539.

when trees are held to be, § 1, 559.

carpets and stoves, held to be, § 1, 559.

held in trust with real estate, may be held and conveyed on same terms, § 13, 560.

attached, may be sold on writ, 621-623.

mortgaged, pledged, or subject to lien, attachment of, 623, 624.

provisions relating to attachment of, when officer dies, or is removed, or property is replevied,

§§ 45-48, 624.

attachments of, how dissolved on filing bond, § 71, 630.

levy of execution on, 664-669.

when mortgaged or pledged, § 28, 669.

mortgages of, to be recorded by town clerk, unless taken into possession by mortgagee, 710-712.

See *Mortgages of Personal Property*.

agreement that it shall remain property of vendor, not valid, unless it is inserted in note and

note, if for more than thirty dollars, recorded as mortgage of, § 5, 787.

disclosed, by poor debtors, held subject to attachment, § 7, 793.

on bond after arrest on mesne process, lien of creditor upon, § 17, 795.

on execution, lien of creditor upon, § 38, 799.

penalty for concealing or disposing of it, § 38, 799.

penalty for malicious injury to, § 15, 864.

PERSONAL PROPERTY SEIZED, AND LOST GOODS; AND PROCEEDINGS THEREON, CHAP.

98, 740-742.

Forfeited personal property, seizure of, § 1, 740.

may be restored to claimant on his giving bond, § 2, 740.

value of, to be appraised, § 3, 740.

not claimed, party seizing to cause an inventory and appraisal to be made, § 4, 740.

value of, exceeding twenty dollars, party seizing, to file libel in clerk's office, § 5, 740.

notice of libel, bond required of party seizing, proceedings, and decree, §§ 5, 6, 741.

libel not supported, court to decree restoration, § 7, 741.

seizure without probable cause, court to decree damages to claimant, § 7, 741.

PERSONAL PROPERTY SEIZED, AND LOST GOODS; AND PROCEEDINGS THEREON—
Continued.

- Forfeited personal property*, value of, less than twenty dollars, libel to be filed before trial justice; notice and decree, § 8, 741.
- appeal, recognizance and proceedings, § 9, 741.
- depositions may be used at trial, § 9, 741.
- Lost goods*, finder of, if goods worth more than three dollars, how to give notice, § 10, 741.
- worth more than ten dollars, how to give notice, § 10, 741.
- before using, to have them appraised, § 11, 741.
- owner of, appearing within one year, goods or their value to be restored to him, on payment of charges and compensation, § 12, 742.
- no owner of, appearing within one year, avails of, to be equally divided between town and the finder, § 13, 742.
- penalty, if finder of, neglect to give notice, and cause them to be cried and advertised, § 14, 742.

PERSONATING,

- another falsely, and thereby receiving property intended to be delivered to party personated, declared to be larceny, § 6, 833.

PERSONS,

- under sentence of death or imprisonment for life, deemed civilly dead, § 13, 509.
- insane. See *Insane Persons*.
- and lives of individuals, offences against, 825-829.

See *Lives and Persons of Individuals, Offences against*.

PETITIONS,

- to legislature, affecting private right, notice of, when required and how given, §§ 26-29, 67.
- for location of ways, how to be made, presented, and proceedings thereon, §§ 1-5, 238, 239.
- for increase of damages, proceedings, §§ 6-13, 240, 241.
- in location of town ways, provisions relating to, § 25, 244.
- to legislature, for railroad charters, what to contain, § 1, 448.
- to supreme judicial court, to be indorsed, if petitioner is not an inhabitant of this state, § 6, 616.
- for release of attachments, §§ 67-73, 629, 630.
- for review, by defendant defaulted when absent from state, § 5, 639.
- for entry of appealed action, omitted by mistake, when to be filed, § 7, 639.
- for partition of real estate, 694-697. See *Partition of Real Estate*.
- and actions of review, 698-701. See *Actions and Petitions for Review*.
- for writs of certiorari, §§ 13-15, 755.

PETROLEUM,

- municipal officers may make regulations respecting, § 24, 293.
- regulations respecting inspection and sale of, §§ 29-32, 360, 361.

PEWS,

- exempt from taxation by towns, § 6, 130.
- parish taxes on, assessment and payment of, §§ 10, 11, 207.
- rights and powers of owners of, § 28, 210; § 35, 211.
- may be sold by license of judge of probate, § 48, 515.
- judge may allow one pew to widow, § 21, 523.
- deeds of, and levies on, to be recorded in office of town clerk, with same effect as if in registry of deeds, § 29, 562.
- and rights, in houses of public worship, deemed real estate, § 29, 562.

PHYSICIANS,

- when bodies of convicts and others may be delivered to, for dissection, §§ 1, 2, 214.
- on what conditions, payment for professional services may be recovered by, § 3, 214.
- their duties in relation to infectious diseases, § 28, 220; §§ 31, 32, 221.
- may have dead bodies in their possession for anatomical purposes, § 26, 852.
- two, to be appointed to examine inmates of state prison, alleged to be insane, § 5, 899.
- to the state prison, appointment and duties of, § 29, 913.
- appropriations for, § 47, 916.
- to be paid to warden, § 48, 917.

PICKLED FISH,

- regulations for inspecting, barreling and shipping, §§ 8, 9, 365.

PICTURES,

obscene books and, penalty for making or circulating, § 13, 850.
warrant to search for, how issued, § 14, 850.

PILOTS AND SHIP OWNERS, CHAP. 36, 335-339.

governor and council may appoint pilots, when requested in writing, to be sworn and give bond, § 1, 336.
to pilot all vessels, drawing nine feet of water, into and out of ports, masters may pilot their own vessels, § 2, 336.
governor and council to fix fees of, hear and determine all complaints against, and suspend or remove, § 3, 336.
liable for vessels damaged or lost through their fault, § 4, 336.
no ship owner liable beyond the amount of his interest in vessel and freight, nor for acts of others without his privity or knowledge, § 5, 336.
charterer to be deemed the owner, § 6, 337.

PILOTS, of vessels from infected places, their duties, § 18, 219.
to give notice of quarantine regulations, § 21, 219.

PIPE,

or cigar, lighted, persons not to enter certain buildings with, § 18, 292.

PIPERS,

Common, may be committed to house of correction, § 4, 918.

PISCATAQUIS COUNTY,

boundaries of, 951.

PLAINTIFF,

provisions relating to actions and attachments in case of death of, §§ 52, 53, 625.
when death suggested on record, executor or administrator may become a party, § 30, 643; § 7, 690; § 10, 691.
proceedings on death of plaintiff in writ of partition, § 11, 695.
in real actions, § 16, 763; § 39, 767.
how executions may issue after judgment creditor's decease, §§ 20, 21, 692.
becoming insane, appointment of guardian ad litem for, § 32, 643.
not excused or excluded from testifying, § 82, 650.
exceptions, § 87, 651; § 88, 652.

PLANTATIONS,

included in the word "town," § 4, 58.
county commissioners to return to secretary of state, every five years, a description of township containing not less than two hundred and fifty inhabitants, § 46, 86.
such townships, how organized into plantations, §§ 47-49, 87.
townships containing a less number of inhabitants, or when required to pay state and county taxes, how organized, §§ 48, 49, 87.
may be re-organized, § 61, 90.
not to be composed of more than one township, § 57, 89.
when organized upon application of three or more citizens, not liable to pay state or county taxes, or to support ways, § 50, 83.
Assessors, to perform such duties as selectmen of towns perform, § 54, 88.
when to return valuation to county commissioners, to be corrected and transmitted to treasurer of state, § 55, 89.
Clerks, their duties and liabilities the same as clerks of towns, § 58, 88.
with assessors, to certify record of organization to secretary of state, § 50, 87, 88.
annually before the first day of July, to certify to secretary of state, names of assessors and clerks last chosen, and that they have been duly sworn, § 52, 88.
Collectors, to give bonds, § 54, 88.
Constables, to give bonds, § 54, 88.
Elections in, § 53, 88; §§ 73-77, 105, 106. See *Elections*.
Expenses, money may be raised by, to defray, § 56, 89.
Guide posts, to be erected in, when state and county taxes are imposed, § 78, 254.
Libraries, public, gifts, bequests and devises for, may be received by, § 10, 473.
when incorporated, title thereto vests in town, § 10, 473.
Meetings, for organization of, how called, §§ 47, 48, 87.
annual, after organization, when to be called, § 51, 88.
officers to be chosen at, § 51, 88.
proceedings at, as in towns, § 53, 88.

PLANTATIONS—*Continued.*

Money, may be raised in, for support of schools, and making and repairing school houses, support of poor and plantation expenses, § 56, 89.

and for support of ways, when state and county taxes are imposed, § 55, 88.

Officers, their powers, duties and liabilities same as those of towns, § 53, 88.

Organization of, how made, §§ 46-49, 86, 87; § 61, 90.

record of, with description of limits of township, to be transmitted to secretary of state, § 50, 87.

to be recorded by secretary of state, § 50, 87.

Poor, money for support of, may be raised by, § 56, 89; § 37, 284.

Schools, money for support of, and for making and repairing school houses, may be raised by, § 56, 89; § 5, 184; §§ 66-68, 198.

School fund, interest of, to be paid by treasurer of state to assessors, § 16, 116.

See *Education of Youth*.

Taxes, state and county, not required to pay, unless organized as required by Chap. 3, § 47, or by special order of the legislature, § 50, 87; § 55, 89.

assessment of, in plantations, §§ 86-92, 147.

powers of plantations for collection of, § 103, 149; § 30, 245.

penalties provided, § 141, 156.

Towns, when incorporated into, assessors to make and return valuation to county commissioners, to be corrected and transmitted to treasurer of state, § 58, 89.

proceedings, in case they neglect, § 59, 89; § 60, 90.

Treasurers, required to give bonds, § 54, 88.

Valuation of, for purposes of taxation, how made, § 54, 87.

when to be returned to state treasurer, after organization of plantation, § 55, 89.

when and how to be made and returned to treasurer of state, after incorporation into a town, §§ 58-60, 89, 90.

Voters in, their liability for illegal voting, § 53, 88.

Ways, may be supported in, when state and county taxes are imposed, § 55, 89.

powers and obligations, of plantations, respecting, § 30, 245; § 78, 254. See *Ways*.

PLATES,

for bank bills, regulations respecting, § 32, 408.

dies, and unsigned bills of banks, to be delivered to secretary of state to be destroyed, on surrender of charter, § 81, 418.

for counterfeiting, punishment for having in possession, with intent to use, § 6, 836.

seizure and destruction of, § 8, 856.

PLEAS,

dilatory, when overruled and exceptions taken, trial to proceed and be closed before case marked law, § 22, 586.

general issue may be pleaded in all cases and brief statement filed, or special pleas, or double pleas in bar, § 18, 641.

to writ of audita querela, § 5, 750.

dilatory, in criminal cases, to be verified by affidavit or other evidence, § 18, 888.

of insanity, when made, court to order criminals into care of superintendent of insane hospital, § 1, 898.

PLEADINGS,

in cases of set-off, § 58, 647.

in scire facias against bail, § 10, 671.

in cases of partition of real estate, §§ 5, 6, 694.

in actions of review, § 10, 700.

in complaints for flowing lands, § 7, 721.

PLEDGE,

or assignment of life insurance policy, valid, notwithstanding lien of creditors, § 65, 442.

attachment of property subject to mortgage, pledge or lien, §§ 41-44, 623.

levy of execution on property subject to, § 28, 669.

proceedings when property subject to, is disclosed by trustees, §§ 50-53, 682; §§ 86, 87, 688.

PLURAL,

words of the singular number may include the plural and words of the plural may include the singular, § 4, 37.

PLURALITY,

what officers to be chosen by, § 32, 98.

POISONS, SALE OF, CHAP. 28, 318.

druggists not to sell, except on prescription of physician, to label with word "poison" and record in a book, 318.

when used to kill animals, not to be deposited near highway or improved lands, penalty, 318.

POLICE,

REGULATIONS, may be established by towns, § 40, 84.

OFFICERS, when authorized to seize liquors without warrant, § 34, 304.

duty of, to prosecute for illegal fishing, § 46, 373.

and constables, duties of, §§ 43-46, 608, 609.

in cities to have powers of constables in criminal matters, or relating to city ordinances, § 46, 609.

duty of, to prosecute for cruelty to animals, § 34, 854.

when arrests may be made by, without warrant, § 4, 880.

COURTS. See *Municipal and Police Courts*.

judges of, how elected, § 1, 874.

their criminal jurisdiction, 875-878.

See *Magistrates, Proceedings of, in Criminal Cases*.

their civil jurisdiction, § 3, 659. See *Justices, Trial*.

may take poor debtor disclosures, § 43, 800.

have jurisdiction in cases of forcible entry and detainer, § 3, 729.

their fees, § 3, 812.

POLICIES,

of insurance, how executed, § 11, 431.

liability of directors of insurance companies, for issuing, after loss of amount equal to stock, § 17, 431.

statements of descriptions and value in, are representations and not warranties, § 19, 432.

change in property insured not to affect, unless risk increased, § 19, 432.

and contracts of insurance, subject to certain provisions of law, § 20, 432.

not to be vacated by by-law or rule, unless set forth therein, § 23, 433.

and note, in mutual insurance companies, constitute one contract, § 26, 433.

loss and other claims may be set off against note, though assigned before due, § 26, 433.

in mutual insurance companies, to descend to administrators or executors, § 29, 434.

mortgagees to have lien on, in certain cases, § 35, 435.

on mortgagees' interest by virtue of mortgage, void, if lien enforced, § 36, 435.

not to issue, till insurance commissioner ascertains that terms of charter have been complied with, § 46, 437.

valid, though issued by agent without license from insurance commissioner, § 50, 438.

penalty for issuing, after suspension or injunction, § 52, 439; § 63, 441.

no conditions in, to deprive courts of this state of jurisdiction, or to limit actions to less than two years, § 62, 441.

if issued during suspension of powers of company by insurance commissioner, valid, § 63, 441.

of life insurance, not to be issued, after suspension by commissioner, penalty, § 57, 440.

what shall be deemed the issuing of, § 57, 440.

exempt from attachment, when, § 65, 442.

lien of creditors on, when annual cash premium exceeds one hundred and fifty dollars;

subject to pledge or assignment, § 65, 442.

service of writs in actions on, § 20, 619. See *Insurance and Insurance Companies*.

POLICY,

public, offences against, 865, 866. See *Health, Safety and Policy, Public, Offences against*.

POLL TAX, § 1, 129. See *Taxes*.

POLLS,

when to be opened and closed at elections, § 18, 95; § 46, 101. See *Elections*.

POLYGAMY,

defined, and punishment provided for, § 4, 848.

POOR,

towns may raise money for support of, § 85, 83.

provisions for relief of, 278-285. See *Paupers*.

DEBTORS, relief of, 792-804. See *Debtors, Poor, Relief of*.

CONVICTS, liberation of, §§ 12-14, 893.

PORK,

and beef, inspection and sale of, 342-349.

See *Agricultural Productions, Inspection and Sale of.*

PORTER,

declared to be intoxicating liquor, § 23, 301. See *Intoxicating Liquors.*

PORTLAND,

regulations for voting on islands in city of, § 41, 100.

jurors, residing in, penalty for non-attendance, § 19, 775.

POSSESSION,

seizin and possession of an estate to be delivered by officer, in case of levy, § 12, 572.

mortgagee entitled to, before breach of condition of mortgage, § 2, 703.

mode of obtaining, for purpose of foreclosure, § 3, 703.

writ of, under mortgages, how issued, § 8, 705.

how issued, in real actions, § 18, 768.

and improvement of lands, what constitutes, § 38, 767.

how held, to entitle tenant to improvements, §§ 35-43, 766, 767.

what sufficient to constitute disseizin, § 10, 770.

to acquire right of way or other easement, §§ 13, 14, 771.

of personal property, by mortgagee, or record of mortgage, required, § 1, 710.

POSSESSORY TITLE,

to lands, may be sold on execution, § 29, 575.

redemption within one year, § 36, 576.

POSTHUMOUS CHILD,

not provided for in will, takes same share of estate, as if no will; how taken, § 8, 564.

POSTING,

for not fighting a duel, punishment for, § 14, 827.

POT AND PEARL ASHES,

inspection and sale of, 356. See *Inspection and Sale of Manufactured Articles.*

POTATOES,

standard weight of bushel of, § 56, 352.

POUND-KEEPERS,

appointment and duties of, 272-277. See *Pounds and Impounding Beasts.*

POUNDS AND IMPOUNDING BEASTS, CHAP. 23, 272-277.

each town to maintain one or more, penalty for neglect, § 1, 272.

penalty for beasts going at large; may be impounded, § 2, 272.

ungelded horse, ram or he-goat, penalty for allowing to go at large, § 3, 273.

persons injured by, may recover damages by distraining, or by action of trespass, § 4, 273.

pound-keepers to be chosen annually, to be sworn and give bond, town responsible for defaults, of, § 5, 273.

to keep book of records, copy of, to be evidence, § 6, 273.

to restrain beasts in town pound, or in other place if more convenient, § 7, 273.

impounder to furnish pound-keeper with certificate, stating cause of impounding, § 8, 274.

form of certificate, § 8, 274.

pound-keeper not liable for receiving or detaining, till expenses, costs and fees are paid, § 9, 274.

if claimant objects to amount demanded, pound-keeper to issue warrant to two persons to determine it; form of warrant, form of return, § 10, 274.

beasts taken as estrays to be committed to, within ten days, penalty for neglect, § 11, 275.

pound-keeper to advertise, manner of, § 12, 275.

beasts to be sold, if damage is not paid, or if not replevied within ten days; notice of sale, how given, § 13, 275.

sale to be adjourned, if pound-keeper believes that beast has strayed from a drove, or if the owner does not live in town, notice of, how given, § 14, 275.

damage to be appraised before sale, § 15, 275.

proceeds of sale, how disposed of, § 16, 276.

owner may redeem at any time before sale, § 17, 276.

action to replevy, to be brought against the impounder, § 18, 276.

rescue, penalty for, § 19, 276.

pound-breach, penalty for, § 20, 276.

in actions for rescuing, what shall not be offered in defence, § 21, 276.

POUNDS AND IMPOUNDING BEASTS—Continued.

- forfeitures, recoverable in actions of debt, if commenced in ninety days, § 22, 276.
- fees of pound-keepers, § 23, 276.
- pound-keeper may allow reasonable compensation to impounder, § 24, 277.
- municipal officers to fix price for keeping and feeding beasts, § 25, 277.

POWDER,

- regulations for safe keeping or transporting, § 24, 293.

POWER OF ATTORNEY. See *Attorney*.

PRECEDING SECTION,

- when used in statutes, means next preceding, § 4, 58.

PREMIUM NOTES,

- to be given by insured in mutual companies, and assessments thereon, § 25, 433.
- of married woman, valid, § 25, 433.
- if company fails, maker only ratably liable on, and not at all, if insolvency occur within sixty days, § 26, 433.
- in no case liable beyond amount of, § 26, 434.
- to be surrendered when insurance ends, if assessments paid, § 26, 434.
- lien of company upon real estate of insured, for amount due upon, § 27, 434.
- and policy, to form one contract, § 26, 433.
- loss under policy may be set-off against, notwithstanding assignment, § 26, 433.
- may be sued by directors, § 28, 434.

PREMIUMS,

- on risks not determined, not to be regarded as profits for the purpose of declaring dividends, § 13, 431.
- and gratuities, local agricultural societies, to expend in, an amount equal to that received from state, § 12, 480.
- statements required from competitors for, § 13, 480.

PRESCRIPTION,

- right to maintain buildings within limits of ways, how acquired by, § 76, 253.
- acquisition of title to real estate, or of easement therein, by, § 10, 770; §§ 13, 14, 771.

PRESIDENT,

- and vice president, choice of electors of, and their duties, §§ 78-86, 106-108. See *Elections*.
- of corporations, certificates of shares to be signed by, § 11, 395.
- banks, § 5, 404.
- bills to be signed by, § 24, 407.
- savings banks, how chosen, § 89, 420.
- to be sworn, to receive no compensation, § 89, 421.
- manufacturing corporations, § 1, 423; § 18, 426.
- insurance companies, how chosen, § 2, 430.
- to sign policies, § 11, 431.
- railroads, personally liable for damage to passengers, if certificate from railroad commissioners of condition of road is not filed at office of secretary of state, § 73, 463.
- the senate, compensation of, § 6, 808. See *Directors*.

PRESUMPTION,

- of payment of judgments and decrees of court, after twenty years, § 97, 634.

PREVENTION,

- of crimes, 868-870. See *Crimes, Proceedings for Prevention of*.
 - of frauds, and perjuries in contracts, 786-788.
- See *Frauds and Perjuries in Contracts, Prevention of*.

PRINCIPAL,

- and agent, for offences under liquor law, may be included in same complaint, § 55, 311.
- factors and agents, 326, 327. See *Factors, Principal and Agents*.
- may be made party to suit on probate bond, how summoned, §§ 6, 7, 555.
- in bail bond, surrender of, by sureties, § 4, 670; § 7, 671; § 11, 671; §§ 13, 15, 672.
- provision in case of avoidance of, § 8, 671.
- surrender of, by sureties, on recognizances to keep the peace, § 12, 870.
- on scire facias, § 21, 833.
 - before or after default, § 23, 834.

PRINTING,

- included in the words, "written" or "in writing," § 4, 58.

PRISON, STATE, 906-917. See *State Prison*.

imprisonment for more than one year to be in, § 2, 891.

PRISONERS,

infected, removal of, §§ 12, 13, 218. See *Contagious Diseases*.

in state prison for life, deemed civilly dead, § 18, 509.

employment of, may be authorized by county commissioners, § 13, 591.

jailers, to pay strict attention to cleanliness of, § 25, 606.

list of, to be returned at each term of supreme court, penalty, § 28, 606.

sheriff, answerable for delivery of, to successor, § 30, 606.

record of commitment, discharge, or escape of, to be kept, § 27, 606.

for debt, minors, and on first charge, to be kept apart from old offenders, § 34, 607.

not to be furnished with spirituous liquors, § 35, 607.

committed under laws of United States to be received by keepers of jails, § 37, 607.

dying, body to be delivered to friends, or buried at expense of town or state, § 38, 608.

penalty, on officers, for evasively changing custody of, § 80, 748.

may be brought before court on habeas corpus to testify as witnesses, § 35, 749.

committed for debt, to be supported by creditors, §§ 55, 56, 803.

hail, arraignment and trial of, §§ 9-24, 886-889.

charged with capital offences, to have counsel assigned them, § 14, 887.

in state prison, becoming insane, may be removed to insane hospital, § 5, 899. See *Convicts*

PRIVATE,

BANKING, associated and foreign, prohibited, 420.

BURYING GROUNDS, not to be taken for railroads without consent, § 2, 448.

DRAINS, how to connect with public drains, § 4, 226.

how repaired, when owner neglects, § 12, 227.

WAYS, 242-244. See *Ways*.

may be located, for hauling wood or lumber, § 19, 243.

purposes, for which located, to be stated in return, § 19, 243.

damages, how paid, § 19, 243.

towns not liable for damages on such roads, § 19, 243.

owned in common, repair of, 254, 255.

PROBATE BONDS, AND REMEDIES THEREON, CHAP. 72, 554-557.

Bonds, not sufficient, unless approved by the judge, § 1, 554.

WHEN SURETIES MAY BE DISCHARGED AND NEW BONDS REQUIRED, 554.

Sureties, insufficient, may be discharged, § 2, 554.

new bond to be given, on requirement of judge, § 2, 554.

may be discharged, after lapse of six years, § 3, 554.

Principal, not giving new bond when required, to be removed, § 4, 555.

ACTIONS ON BONDS, 555.

Actions, to be brought in name of judge of probate, in supreme judicial court, § 5, 555.

may survive, in the name of his successor, § 5, 555.

no costs to be awarded against the judge, § 5, 555.

Principal obligor may be made a defendant on request of sureties, § 6, 555.

how summoned in such cases, proceedings, § 7, 555.

judgment, for plaintiff, entered for penalty, § 8, 555.

proceedings thereon, § 8, 555.

ACTIONS BY INTERESTED PARTIES WITHOUT AUTHORITY OF JUDGE, 555.

Persons, interested in probate bond, and whose interests have been specifically ascertained, may sue without applying to judge, § 9, 555.

manner of inserting names in writ, § 9, 555.

Suit, not maintained, judgment for costs against originator, § 10, 556.

Creditor, of insolvent estate, must produce copy of decree of distribution, § 11, 556.

must prove demand for dividend on administrator, § 11, 556.

of estate not insolvent, must have amount due ascertained by judgment against administrator, and must prove demand, § 12, 556.

Evidence, required in either case, § 12, 556.

for a widow, next of kin, or any residuary legatee, § 13, 556.

when decree of judge of probate, deciding the amount due, must be proved, § 13, 556.

Judgment, on probate bond, rendered in favor of judge for all concerned, proceedings thereon, § 14, 556.

PROBATE BONDS, AND REMEDIES THEREON—*Continued.*

Judgment, executions, how and for what amount issued, and how levied, § 14, 556.
costs, how apportioned, § 14, 556.

SUITS BY AUTHORITY OF JUDGE, 556.

Judge of probate, may authorize suits, on probate bonds, § 15, 556.

such authority to be alleged in the process, § 15, 556.

Executions, on judgment, for not rendering an account, § 15, 556.

for neglect to return inventory, or for mismanagement, § 16, 556.

Judgment, recovered, to be in trust for all interested, § 17, 577.

OTHER PROBATE BONDS, 557.

Actions, on bonds of executors, special administrators, guardians, testamentary trustees, surviving partners and others, proceedings same as on bonds of administrators, unless otherwise specially provided, § 18, 557.

PROBATE,

COURT, 495-503. See *Courts of Probate*.

SUPREME COURT OF, 500, 501. See *Courts of Probate*.

DISTRICTS, to be deemed counties for certain purposes, § 9, 498.

JUDGES OF, bond of commissioners of wrecks to be given to, § 7, 337.

powers of, in relation to charges of commissioners of wrecks, § 12, 338.

selection, powers and duties of, 496-499.

to inspect conduct of register, § 17, 499.

fees of, for taking disclosures of persons charged with embezzlement, § 33, 502.

See *Courts of Probate*.

REGISTER OF, may adjourn court in absence of judge, § 4, 497.

selection, powers and duties of, 499, 500.

duties and fees of, in regard to safe keeping of wills, § 2, 505.

salaries and fees of, § 23, 501; § 32, 502; § 4, 807.

in assignments for the benefit of creditors, § 11, 545.

may take depositions in perpetuum, § 22, 780. See *Courts of Probate*.

OF WILLS, 505-507.

made in other states and countries, 507, 508. See *Executors and Administrators*.

conclusive proof of their execution, § 13, 565. See *Wills*.

PROCEEDINGS IN COURT,

in civil actions, 633-657. See *Actions, Civil, Proceedings in Court in*.

in criminal cases, 885-890. See *Criminal Cases, Proceedings in Court in*.

commencement of, 880-884. See *Criminal Cases, Commencement of Proceedings in*.

See *Magistrates, Proceedings of, in Criminal Cases*.

PROCEEDS,

of personal property, sold on writ, attachment of, in hands of officer, § 36, 622.

applied in order of attachments, § 21, 667.

of goods attached on mesne process, sold by consent, or after appraisal, subject to attachment, in hands of officers, § 36, 622; § 47, 624.

PROCESS,

civil, service of, on Lord's day, void, § 73, 631.

not to be abated, arrested, or reversed, for want of form only, or for circumstantial errors or mistakes, § 9, 639.

officer not to be charged as trustee for moneys in his hands by force of, § 55, 683.

to be executed in state prison by warden or his deputy, § 16, 910.

criminal, who may issue, § 2, 880.

civil, criminal and military, may be executed in certain places ceded to United States, § 2, 62.

PRODUCE,

penalty for destroying or severing, § 7, 862.

for taking or carrying away, on land of another, §§ 9, 13, 863.

PROFANITY,

how punished, § 16, 850.

PROHIBITION,

writs of, may be issued by the supreme judicial court, § 4, 582.

PROMISES,

- renewal of, to be in writing, to avoid limitation, § 93, 633.
- by one joint contractor, not to affect liability of another, § 93, 633.
- actions upon certain, not maintainable unless in writing, § 1, 786. See *Contracts*.

PROMISSORY NOTES. See *Notes, Promissory*.**PROPRIETORS,**

- of aqueducts, 469.
- common fields, 267-271. See *Fences and Common Fields*.
- lands for public cemeteries, § 11, 478.
- lands, wharves and other real estate in common, 473-475.
- See *Lands and Wharves, in Common, Proprietors of*.
- meeting houses, 210-212. See *Meeting Houses*.
- mills, 476, 477.
- private ways or bridges, 254, 255.

PROSECUTIONS,

- under the liquor law, not to be discontinued, except by order of court, § 45, 308.
- for penalties or forfeitures, limitation of, § 90, 633.
- criminal, costs taxable for the state in, § 15, 818.
- for treason, limitation of, § 3, 824.
- limitation of, when not otherwise limited, § 14, 873.
- commencement of, in criminal cases, 880-884.
- when to be dismissed on reparation for private injuries, § 18, 883.
- See *Crimes and Criminal Cases*.

PROSECUTORS,

- and informers, rewards to, on conviction of forgers and counterfeiters, § 11, 837.
- no costs to be allowed to, exception, § 9, 876.

PROSTITUTION,

- keeping house of ill-fame for purpose of, how punished, § 9, 849.
- enticing females for purpose of, how punished, § 10, 849.

PROTESTS,

- notarial, 327-329. See *Notaries Public and Protests*.
- false, made by masters of vessels, how punished, § 14, 859.

PROVERS OF FIREARMS,

- appointment, duties, and compensation of, §§ 33, 34, 361.
- fees of, § 20, 821.

PROVISIONS,

- unwholesome, penalty for selling, § 1, 865.

PROXY,

- mode of voting by, may be determined by by-laws of corporations, § 5, 394.
- when stockholders may be represented by, § 12, 395.
- votes by, in banks, regulated, § 6, 404.
- in mutual insurance companies, limited, § 31, 434.
- bondholders under railroad mortgage may be represented by, § 49, 457.
- proprietors of aqueducts may vote by, § 5, 470.
- of lands, wharves and other real estate in common, may vote by, § 11, 475.

PUBLIC,

- Acts, notice of approval of, to be given to presiding officers of senate and house, § 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.
- acts of incorporation, so deemed, § 4, 59.

ADMINISTRATORS, 510-512.

- BUILDINGS,** superintendent of, his duties, liabilities and compensation, § 20, 65.
- damages for trespasses upon, how recovered, § 10, 733.

- EXHIBITIONS,** may be licensed, penalty for exhibiting without, § 1, 319.
- license how granted, fee therefor, § 2, 319.

HEALTH, safety and policy, offences against, 865, 866.

See *Health, Safety and Policy, Public, Offences against*.

- HOUSES,** gambling in, prohibited, § 10, 298; § 1, 855. See *Innholders*.

JUSTICE, offences against, 839-843. See *Justice, Public, Offences against*.

PUBLIC—Continued.

LANDS, 112-122. See *Lands, their Sale and Settlement.*

lots reserved for public uses, to be first set off in proceedings for partition, § 29, 697.

OFFICERS, salaries of, 806-809. See *Salaries of Public Officers.*

embezzlement by, declared to be larceny, § 7, 833.

persons fraudulently receiving money from, declared guilty of larceny, § 7, 833.

banks not to loan to, on official check, § 20, 406.

PEACE, offences against, 844-846. See *Peace, Public, Offences against.*

POLICY, offences against, 865, 866.

SAFETY, offences against, 865, 866.

WORSHIP, houses of, exempt from taxation, § 6, 130.

disturbance of, how punished, §§ 17, 18, 851.

PUBLICATION,

of public acts, to be made in state paper, § 41, 69.

of intentions of marriage, how made, § 4, 483.

of a libel, what constitutes, § 1, 867. See *Advertisements.*

PUNISHMENT,

conviction to precede, § 1, 890.

general powers relating to, 890-893. See *Sentence and its Execution.*

commutation of, 899, 890. See *Pardons.*

PURCHASERS,

rights of, under sale of railroad and franchise, §§ 67-70, 461, 462.

may form new corporation, § 67, 461.

title of, to real estate sold on execution, not vitiated by reversal of judgment on error, § 5, 754.

QUAILS,

destruction of, when prohibited, § 16, 325.

QUAKERS,

corporate powers of overseers of quaker meetings to take and hold grants of real or personal estate, § 24, 209.

marriages solemnized among, in form heretofore practised, valid, § 10, 485.

clerks of quaker meetings to deliver list of such marriages to town clerk, § 10, 485.

QUALIFICATION,

of civil officers, §§ 84-87, 74, 75.

of town officers, §§ 14-17, 79, 80. See *Oaths.*

QUARANTINE,

and infected vessels, regulations respecting, §§ 17-25, 219, 220. See *Contagious Diseases.*

QUARRYING COMPANIES,

incorporated by general law, 426, 427. See *Corporations, Manufacturing.*

QUARTER COSTS,

in appeals from justice courts, only, allowed, if damages are not increased, § 105, 654.

in cases of replevin, when value of plaintiff's interest in property replevied does not exceed twenty dollars, § 106, 654.

in actions brought in supreme judicial court, which should have been commenced in inferior courts, § 107, 654.

on poor debtors' bonds, when sum recovered is not more than twenty dollars, § 53, 802.

QUESTIONS OF LAW,

in what cases they may be brought before the law court, § 13, 584.

in criminal cases, reserved on exceptions, § 26, 889.

QUITCLAIM DEED,

or deed of release, conveys the interest of grantor, § 14, 560.

QUO WARRANTO,

supreme judicial court may issue writs of, § 4, 582.

on petitions for, by private persons, court may or may not allow costs, § 110, 655.

QUORUM,

adjournment of legislature, how made, for want of, § 23, 66.

three aldermen, in cities, to constitute, to correct lists of voters, § 46, 101.

corporations may determine by by-laws, the number of members to constitute, § 5, 394.