

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.

QUORUM—Continued.

two county commissioners constitute, § 8, 591.

justices of the peace and quorum. See *Justices of the Peace and Quorum*.

RAILROADS, CHAP. 51, 444-465.

PETITION TO LEGISLATURE, 448.

Petition, to legislature, for railroads, what it must state, § 1, 448.

REAL ESTATE, HOW AND FOR WHAT TAKEN, 448.

Land, may be taken, for railroad purposes, as for public uses, § 2, 448.

when owned by person, incapable of making conveyance, guardian may settle for damages and give release, § 2, 448.

person not an owner, but having an interest, has rights and remedies of owner, § 2, 448.

Restrictions, meeting-houses, dwelling-houses, or public or private burying-ground; not to be taken without consent of owners, § 2, 448.

not to exceed four rods in width, for main track, § 2, 448.

Railroad commissioners, to decide disputes, as to the necessity and extent of land for side tracks, depots and buildings, if parties do not agree, § 3, 448.

corporation may apply to, describing the estate, and naming the persons interested; § 3, 448.

fourteen days' notice, as they direct, to be given to the parties interested, § 3, 448.

shall there hear the parties, view the premises, and determine how much is necessary for the business of the corporation, § 3, 448.

if they find any necessary to be taken for the public uses of the corporation, shall give certificate, containing definite description, and when certificate is filed in clerk of the courts' office, for the county, land deemed to be taken, § 3, 448.

Location, to be made, within the time, and according to description in charter, § 4, 448.

to be filed with county commissioners, and approved and recorded by them, § 4, 448.

when a corporation by its first, fails to acquire title, it may at any time correct, and perfect, and file new description thereof, § 4, 448.

remedy of subscriber to stock for deviation of, from prescribed course, § 4, 448.

to be filed and damages estimated, before land taken is entered upon, except for surveys, § 5, 449.

ESTIMATION AND PAYMENT OF DAMAGES, 449.

Damages, to be estimated by county commissioners on application of owner, within three years after location filed; to be paid by corporation, § 6, 449.

when proceedings for estimating fail, for cause not affecting merits, new proceedings may be commenced within one year; § 6, 449.

remedy, when no estimate of, is made within three years, § 6, 449.

security for payment of, and costs, to be required by county commissioners, on request of owner, § 6, 449.

security for, how to be deposited and managed, § 6, 449.

on neglect of corporation to give, remedy, by injunction, § 6, 449.

Damages, commissioners shall order corporation to maintain cattle guards, cattle passes and farm crossings, and consider this in estimating, § 7, 449.

on failure to maintain them, corporation may be compelled or enjoined by court; or liable in action to double, § 7, 449.

estimation of the rights and obligations of each party, to be reported and recorded by commissioners; notice of the same to be given by clerk to owners; manner of notice; expense how paid, § 8, 449.

either party may apply for increase or decrease of; but the requirements of commissioners not to be changed, § 8, 450.

proceedings closed, when no petition for increase or diminution of, is filed within thirty days after notice; petitions filed and not prosecuted, to be dismissed; no such petition to be entertained after proceedings closed, § 8, 450.

compensation, for services of county commissioners, in estimating, to be same as provided respecting highways; to be paid by corporations in cases between them and owners; on appeal, losing party to pay costs, § 8, 450.

amount of, with interest and costs, may be deposited with clerk of commissioners, after proceedings closed, unless previously demanded and payment neglected, § 9, 450.

RAILROADS—Continued.

Damages, when not paid within thirty days, bill in equity may be filed and injunction issued; proceedings in such case; and when injunction is violated, §§ 10-12, 450, 451.
 may be estimated by court, on bill filed, when no proceedings within three years; remedies of plaintiff, for non-payment, same as in other cases; § 10, 450.
 remedy when corporation fails to do as required in award of, §§ 10-12, 450, 451.
 service of process and notice, and of injunction, how made, § 11, 450, 451.

CROSSINGS REGULATED, 451.

Crossings, of highways and streets, how to be made, § 13, 451.

conditions and manner of, to be determined by county commissioners, and recorded; notice to be given to municipal officers; corporation dissatisfied, governor may, on application, appoint three persons to adjudicate; proceedings in such case, decision final, § 13, 451.

not to be made in streets in cities, not highways, without written consent of mayor and aldermen, stating manner and conditions, to be recorded in records of commissioners; not so made, regarded as nuisances, directors making them personally liable, § 13, 451.

to facilitate, commissioners may authorize way to be raised or lowered, and prescribe manner; temporary way to be provided by corporation while being done, damages for neglect, §§ 14, 15, 451.

may be over or under a canal or railroad; corporation making, liable for damages occasioned; bridges and abutments to be kept in repair by corporation, § 16, 451.

bell or whistle, how to be used at, § 17, 452.

boards to be placed, to give notice at, § 17, 452.

gates at, proceedings respecting, § 18, 452.

penalties, for neglect; and liabilities for damage, § 19, 452.

when railroads cross each other, train just arriving, to wait twenty minutes for the other, and give opportunity to passengers to change with baggage, § 24, 453.

at such crossings engineer to stop train, and proceed slowly—one stop sufficient when two crossings are within four hundred feet, penalty, § 42, 456.

FENCES AND TRESPASSES ON ADJOINING LANDS, 452.

Fences, where and when to be made, directors personally liable for neglect of persons employed, and consequent injuries, during construction of road; for subsequent neglect, corporation liable, § 20, 452.

remedy of owner of land adjoining, for neglect to make, § 21, 452.

Trespasses, on adjoining lands, corporation how far liable for; persons committing, also liable, § 22, 453.

CONNECTIONS. TARIFFS, 453.

Connecting roads, cars of, to be drawn by railroad corporations; terms regulated; on neglect, connecting roads may draw cars subject to regulations; to furnish depots at termini, and be liable for injuries, § 23, 453.

trains, due at same hour at crossing or junction, to wait twenty minutes for each other, and give time for passengers to change with their baggage, penalty, § 24, 453.

Tariff, of rates of toll, for timber, wood and bark, to be fixed in September annually, and kept posted at stations during the year, penalty for neglect or receiving higher rates, § 25, 453.

ASSIGNMENTS, LEASES, TRANSFER OF SHARES, ISSUE OF BONDS, 453.

Assignment, or lease, of road prohibited, proceedings in case of violation, exceptions, § 26, 453.

Transfer of shares, how to be made, § 27, 454.

Bonds, may be issued to complete road, or pay debts, how secured, rate of interest, binding though sold at less than par, § 28, 454.

Coupons, holders of, may collect, in their own names, § 29, 454.

ANNUAL REPORTS, 454, 455.

Report, to be made to secretary of state in January annually; how to be verified; what to contain, forfeiture for neglect, § 30, 454, 455.

PROVISIONS FOR SAFETY, 455.

Brakeman, required for every two passenger cars, § 31, 455.

Fire, caused by engine, corporation responsible for injury, and has insurable interest in property along the route, § 32, 455.

RAILROADS—Continued.

- Person, killed*, on road, corporation to notify county attorney, who is to notify coroner to hold inquest; county attorney not residing within ten miles, justice of the peace may be called upon, to notify coroner, § 33, 455.
- Intoxication*, of engineer, conductor, brakeman or switchman, while employed, how punished, § 34, 455.
- Negligence*, or carelessness of conductor, causing injury, how punished; corporation responsible, § 35, 455.
- Life lost*, liability of corporation for negligence, in case of; forfeiture in such case, how recovered, and to whose use, § 36, 455.
- of person walking on track, contrary to law, or valid regulations, corporation not liable for, § 37, 456.
- Walking*, or standing, on track or bridge, forfeiture for, how recovered; printed copy of section respecting, to be kept posted in every passenger depot, penalty for neglect by corporation, §§ 38, 39, 456.
- Speed*, of trains across highways, regulated; way not to be unreasonably obstructed by trains, forfeiture for violation, § 40, 456.
- Engineers*, to stop trains, at places where two railroads cross each other, on same grade, and proceed at a rate not exceeding eight miles an hour; one stop sufficient where two crossings within four hundred feet, forfeiture for violation, liability of corporations, § 42, 456.
- if necessary to proceed more rapidly, person to be stationed at crossing with flag or lantern, § 42, 456.
- Fare*, penalty for evading payment of, § 41, 456.

BAGGAGE AND EFFECTS, 456.

- Baggage*, and effects, left by passengers, lists of, how and when to be published, § 43, 456.
- lists of, to be examined by municipal officers, who are to sell at auction or advertise again, § 44, 457.
- proceeds of sale, how disposed of, § 45, 457.
- Liability*, of corporation, for neglect; penalty, how recovered, § 46, 457.
- THE ELECTION, POWERS AND DUTIES OF TRUSTEES OF MORTGAGES, 457.
- Trustees*, when railroad has mortgaged its franchise, and trustees have been appointed, bondholders may elect new, § 47, 457.
- not to be removed, till secured against liabilities, § 47, 457.
- proceedings may be presented to supreme judicial court, court may order notice, affirm election of, and make all orders necessary for transfer of trust property to, new, § 47, 457.
- breach of condition of such mortgage defined, § 48, 457.
- upon such breach, trustees to call meeting of bondholders; meeting, how notified, § 48, 457.
- manner of voting, of bondholders, at such meetings, and at all others, § 49, 457.
- bondholders shall determine whether possession of road shall be taken by, § 49, 457.
- to take possession, when directed by bondholders, § 50, 458.
- authority and powers of, § 50, 458.
- to keep accounts of receipts and expenditures, § 51, 458.
- how to apply earnings of road, § 51, 458.
- not liable, except in certain cases, § 51, 458.
- when to surrender road, § 51, 458.
- to call meeting of bondholders once in each year, while managing road, and at other times, when requested in writing by one-fifth in interest of bondholders, and make report; notice of such meeting, how to be given, § 52, 458.
- to contract for management of road, when instructed by bondholders, § 52, 458.
- compensation of, § 52, 458.
- Bondholders*, may elect trustees to fill vacancies, in places of those removed, § 47, 457.
- proceedings may be confirmed by supreme judicial court, § 47, 457.
- trustees to call meetings of; meetings, how called, § 48, 457.
- may determine whether trustees shall take possession of road, § 49, 457.
- may vote instructions to trustees, § 52, 458.
- may vote in person or by proxy, and are entitled to one vote for each one hundred dollars of bonds, § 49, 457.
- trustees to call meetings of, annually, or oftener, if required by one-fifth of, in interest, and to report to, § 52, 458.
- may prescribe compensation of trustees, § 53, 458.

RAILROADS—Continued.

Bondholders, may instruct trustees to contract for management of road, § 52, 458.
 may give trustees other instructions, § 52, 428.
 in possession, under foreclosure, constitute a corporation for all the purposes of the original corporation, § 55, 459.

FORECLOSURE AND REDEMPTION OF MORTGAGES, 458.

Mortgage, what shall be deemed breach of conditions of, § 48, 457.
Foreclosure of mortgage, on application of one-third of bondholders, in amount, trustees to publish notice of, § 53, 458.

notice, when published, what to contain, copy to be recorded in registry of deeds, § 53, 458.
Right of redemption, foreclosed, unless the mortgage is redeemed within three years, or bill in equity, as in case of mortgaged lands, brought, founded on payment, tender or averment of willingness to pay, § 53, 457, 458.

at least thirty days before expiration of, holders of overdue bonds and coupons, to present them to trustees to be recorded, § 54, 459.

not lost, by non-payment of claims not so presented, § 54, 459.
 parties having, shall have free access to record of such claims, § 54, 459.

Foreclosure inures to the benefit of all claimants under the mortgage, § 55, 459.

New corporation, claimants, under mortgage foreclosed, constitute, as of the date of foreclosure, § 55, 459.

has all the rights, and subject to all the obligations, of the original corporation, § 55, 459.
 trustees are to convey to, and court may compel them, § 55, 459.

on conveyance, trustees discharged, § 55, 459.

first meeting of, how called, § 56, 459.

may retain name of old corporation until first meeting, then to adopt new name, by which it shall always afterwards be known, § 56, 459.

may take and retain possession of mortgaged property, notwithstanding pendency of bill in equity to redeem, § 56, 459.

NEW CORPORATION MAY REDEEM PRIOR MORTGAGES, 459.

New corporation, may vote to redeem prior mortgage, and make assessments therefor, § 57, 459.

Assessments, time and place of payment to be fixed by directors, § 57, 459.

notice thereof to be published by treasurer six weeks in each county, § 57, 459.

if not paid, stock sold, and new certificates issued, § 58, 459.

notice of sale of stock, how given, § 58, 459.

delinquent stockholder to surrender his certificate to be cancelled, § 58, 460.

may have new certificate for unsold shares on paying for stamp, § 58, 460.

not entitled to commute bonds, coupons, or fractional certificates, till assessments paid with twelve per cent. interest, § 58, 460.

directors to apply sums received from, solely to redemption of mortgages, § 59, 460.

then all property, rights, and credits secured by mortgages to vest in new corporation, § 59, 460.

REDEMPTION OF PRIOR MORTGAGES BY SUBSEQUENT MORTGAGEES, 460.

Subsequent mortgagees, may redeem prior mortgages, before foreclosure becomes absolute, when subsequent mortgage contains no provision for sale, and no conditional provision depending on application of the majority in amount of claims secured thereby, and no such application has been made to the trustees, § 60, 460.

to hold the road in trust for those who contributed towards redemption, § 60, 460.

on the application of one or more of, made six months prior to the absolute foreclosure of such prior mortgage, and on payment of expenses, trustees of such subsequent mortgage to call a meeting of all interested, for that purpose, § 61, 460.

notice of such meeting, how published, and what it shall contain, § 61, 460.

if holders of a majority of the interests represented, vote to redeem, at such meeting, each may contribute his portion thereto, § 61, 460.

trustees to give notice of such vote, by publication, stating amount to be paid, and time and place of payment, § 61, 461.

if any one fails to pay his proportion, any other person interested may pay, and succeed to his rights, exceptions, § 61, 460.

PART OF SUBSEQUENT MORTGAGEES MAY REDEEM, 460.

Trustees, of prior mortgage, if such meeting is not called, or it is voted not to redeem, any person interested in subsequent mortgage may pay to, the amount required to redeem; and such trustees shall redeem it, and hold it in trust for the persons paying, § 62, 460.

RAILROADS—Continued.

Prior mortgage, when redeemed in either mode aforesaid, and all persons interested in the subsequent mortgage have not paid their proportion, notice to be published by trustees, that delinquents may pay the same, with interest at twelve per cent., within one year from the first publication, § 63, 461.

New corporation, money so paid to be divided ratably among those who advanced the redemption money, and they may become, § 63, 461.
new certificates of stock to be issued, § 63, 461.

Stockholders, of the old corporation, when prior mortgage is thus redeemed, may redeem it within two years thereafter, by paying to the trustees of subsequent mortgage, the amount paid for prior mortgage, with ten per cent. interest, and amount due on subsequent mortgage, to those who contributed to redeem prior mortgage, § 64, 461.

net earnings of road, or net deficiencies, to be added, or deducted, if run by trustees of subsequent mortgage, § 64, 461.

may demand of trustees account of receipts and expenditures and amount due on mortgage, and have same remedies as in mortgages of real estate, § 64, 461.

redeeming, shall have same rights, after redemption, as those from whom they have redeemed, § 64, 461.

redeeming, shall give notice to those who have not contributed, § 65, 461.

the latter shall have same rights as provided in case of bondholders, § 65, 461.

Prior mortgagees, may extend the time for redemption, after foreclosure commences, § 66, 461.

trustees of said mortgage shall thereupon, in writing, delivered to the party entitled to redeem, extend the time accordingly, § 66, 461.

RIGHTS OF PURCHASERS UNDER A SALE OF RAILROAD AND FRANCHISE, 461.

Purchasers, of franchise and road, sold by decree of court, by power of sale in mortgage, or on execution, have all rights, powers and obligations of corporation, under its charter, § 67, 461.

may form new corporation, § 67, 461.

if original corporation, or those claiming under it, have right to redeem, they may do so as in case of mortgage of real estate, § 67, 461.

but reasonable expenditures of, in completing, repairing and equipping road, and in purchasing necessary property therefor, after deducting net earnings thereof, shall be paid before redemption, § 67, 461, 462.

New corporations, so formed, and trustees, operating a railroad, have same rights and obligations as original corporation, subject to be altered, amended or repealed by legislature, notwithstanding any provision in original charter, § 68, 462.

Original corporation, continues for the sole purpose of closing its business, § 69, 462.

right of action against, or its stockholders, unimpaired, § 69, 462.

in suits, on bonds or coupons, secured by the mortgage, proportional value of mortgaged property, to be deducted, § 69, 462.

Trustees, mortgages, and redemption and foreclosure of mortgages, supreme judicial court has jurisdiction in equity of all questions concerning, § 70, 462.

rights and remedies at law reserved, § 70, 462.

in all proceedings relating to, law of trusts and mortgages to be applied, § 70, 462.

RAILROAD COMMISSIONERS, 462.

Commissioners, their appointment, tenure of office, qualifications, and compensation, § 71, 462.

annually to examine all railroads, and rolling stock, and give a certificate thereof, to clerk of corporation, § 72, 462.

to make annual report in December to the governor of official acts, and of facts of public interest, § 72, 462.

managers of railroads to give such information as they request, § 72, 463.

corporation to file certificate of, in secretary of state's office, before first day of December and pay fees of, § 73, 463.

penalty for neglect, and how recovered, § 73, 463.

while guilty of such neglect, president and directors personally liable for damage to passenger trains by defect in road or stock, § 73, 463.

liability of corporation not relieved, § 73, 463.

Roads unsafe; if the board find track, bridges, culverts, or rolling stock so out of repair as to be unsafe, they shall notify managers of its condition, § 74, 463.

commissioners shall prescribe time for repairs, and require speed of trains to be reduced, § 74, 463.

RAILROADS—Continued.

- Roads unsafe*; if requirements for repairs are not complied with, commissioners shall apply to supreme judicial court: what their application shall contain, § 75, 463.
 attorney general, or county attorney to take charge of proceedings in court, § 75, 463.
 court shall order notice, and appoint hearing, § 75, 463.
 may make what decrees are necessary to secure safety of travelers, § 75, 463.
 unless managers of road execute bond in such sum, as the court shall order, for the completion of repairs within the prescribed time, or otherwise satisfy court they will be made, injunction shall issue, restraining the running of passenger trains over that portion deemed to be unsafe, § 75, 463.
- Connecting roads*, when managers of roads crossing or connecting, are unable to agree, they may apply to commissioners in writing, who may order notice and appoint a hearing, § 76, 463.
 commissioners may summon witnesses, compel attendance; depositions may be taken and used, as in suits at law, § 76, 463, 464.
 any corporation, or person, claiming to be interested, may be made a party and heard, § 76, 463.
 commissioners shall determine rates for transporting passengers, freight or cars, over the road of each, and over any road on which either is a common carrier, and all other matters in controversy, § 76, 464.
 may also determine times of crossing, § 76, 464.
 may require either party to give security to the other for balances, § 76, 464.
 may determine that the award may be suspended by either party on the non-performance of it by the other, § 76, 464.
 award of commissioners to be returned to supreme judicial court, and may be accepted, rejected or recommitted, § 77, 464.
 exceptions to any ruling may be taken, except to that recommitting the report; exceptions, how certified and heard, § 77, 464.
 if law court does not sit within thirty days, after the papers are received by the chief justice, he may detail a majority of the justices to hear the case, § 77, 464.
 chief justice shall order time and place of hearing, § 77, 464.
 entry of order on docket by clerk, sufficient notice to parties, § 77, 464.
 award accepted, and judgment rendered, binding on all parties, till new award is made, § 77, 464.
 court may enforce award by process for contempt or otherwise, § 77, 464.
 if corporation or managers fail to comply with award, directors and agents liable to fine of not less than ten dollars nor more than fifty dollars for each day of failure; to be recovered by indictment, § 77, 464.
- Serious accidents*, commissioners to examine into the cause of, may send for persons and papers, and make full statement concerning, in their annual report, or in any other manner, § 78, 464.

EQUAL TRANSPORTATION FOR ALL EXPRESSES, 465.

- Railroads*, to furnish reasonable and equal facilities for transportation to all expresses, § 79, 465.
 also, use of depots, buildings and grounds, and for exchanges at junctions, § 79, 465.
 penalty, and how recovered, § 79, 465.
 liability for damages, § 79, 465.

TOWNS MAY AID IN THE CONSTRUCTION OF RAILROADS, 465.

- Cities or towns*, by two-thirds vote at legal meeting called for the purpose, may raise by tax or loan, not exceeding five per cent. on their valuation, to aid in the construction of railroads, § 80, 465.
 may make contracts for that purpose, § 80, 465.
 holding stock in railroads, municipal officers, or their agents, may vote thereon, § 81, 465.
 raising money by loan, shall raise and pay, besides the interest, each year after the third, not less than three per cent. of the principal, unless otherwise provided for, § 82, 465.
- Cities*, meetings of, for above purposes, to be called by municipal officers, on order of common council, as meetings for election of city officers, § 83, 465.
 order of common council to contain substance of proposition, to be inserted in warrant, § 83, 465.
 manner of voting at such meetings, and of counting, declaring, recording and returning votes, § 83, 465.
 municipal officers to examine returns, and if two-thirds of the ballots are in favor of the proposition, to proceed forthwith to carry it into effect, § 83, 465.

RAILROADS—*Continued.*

- real estate of, when taxable, § 4, 129.
- track of, not deemed real estate, for purposes of taxation, § 4, 129.
- built upon lands of ward, guardian may be licensed to release damages, § 1, 547.
- wilful obstruction of, by which life lost, declared to be murder of second degree, § 6, 826.
- penalties for cruelty to animals transported, § 29-31, 853.

RAILROAD COMMISSIONERS, 462-464.

- may decide disputes as to necessity of land for side tracks, depots, and buildings, § 3, 448.

See Railroads.

RAM,

- or he-goat, not to go at large between August 10, and November 20, § 3, 273.

RAPE,

- defined and how punished, § 17, 828.
- assault, with intent to commit, how punished, § 24, 829.

REAL ACTIONS, 760-768. *See Actions, Real.*

- limitation of, and rights of entry, 769-771. *See Actions, Real, Limitation of.*
- penalty for waste by tenants during pendency of, § 7, 732.

REAL ESTATE, SALES OF, BY LICENSE OF COURT, CHAP. 71, 546-553.

LICENSES TO SELL, 547.

- Real estate*, in what cases judges of probate may license sales, leases, and exchanges, § 1, 547.

SALES AT AUCTION, 548.

- Sales*, to be at auction: exceptions, § 2, 548.
- decision of judge may be appealed from, § 2, 548.
- persons licensed to give bond, conditions of bond, § 3, 548.
- licenses may issue without filing of bond, when will so prescribes, § 8, 506.
- persons to be sworn, § 4, 548.
- if exceeds fifty dollars in value, license not to be granted without previous notice, or written consent of all parties interested, § 5, 548.
- party interested residing without the state, to have special notice, § 5, 549.
- license not to be granted, if persons interested give bond to pay sums for which license is asked, and fulfil the bond, § 6, 549.
- notice of sales, how given, § 7, 549.
- certificate of judge of probate necessary, on application, for license to sell, to supreme court, in certain cases, § 8, 549.
- petitioners for license to sell, may be examined on oath, § 9, 549.
- certificate of overseers of poor necessary, when application is made to sell estate of wards, not minors, or insane, § 10, 549.

PRIVATE SALES, AND SALES ON OFFER, 550.

- Estate*, licenses to sell at private sale, in what cases granted, § 11, 550.
- sales may be at auction; proceedings, § 11, 550.
- offer to purchase, license may be granted to accept, § 11, 550.
- person so licensed to be sworn and give bond, and court may prescribe in license, what notice, if any, is to be given, § 11, 550.

SALES BY GUARDIANS AND WIVES OF INCAPACITATED WARDS, 550.

- Wife*, of incapacitated ward, may join with guardian in sale of estate held in her right, § 12, 550.
- may release dower by deed, § 12, 550.
- Guardian*, may agree with wife, how to invest proceeds of sale of her interest, § 13, 550.
- supreme court may enforce agreement, § 13, 550.

SALES OF NON-RESIDENT ESTATES, 550.

- Estate*, of parties deceased without the state, proceedings for sale, § 14, 550.
- of wards residing out of the state, § 14, 550.
- evidence of appointment as executor, administrator or guardian, in another state, filed and recorded, effect of, § 15, 550.

LICENSES TO CARRY INTO EFFECT CONTRACTS OF DECEASED PERSONS, 551.

- Real estate*, judges may authorize deeds to be made, to carry into effect contracts of deceased persons to convey, § 16, 551.
- who may be authorized, § 16, 551.
- effect of such conveyance, § 16, 551.
- before granting license to sell, due notice to be given to all interested, § 17, 551.

REAL ESTATE, SALES OF, BY LICENSE OF COURT—Continued.

Real estate, person licensed to sell, to give bond, § 17, 551.

GENERAL PROVISIONS, 551.

Licenses, for sale of real estate, to be in force one year only, § 18, 551.

but new license for sale of whole or part of same, to be granted with or without notice, on filing new bond, § 18, 551.

Sales, of real estate under license, may be adjourned; limitation, § 19, 551.

Licenses, granted by supreme court, may embrace lands in different counties, § 20, 551.

may prescribe what lands shall be sold and order of sale, § 21, 551.

Lands, of deceased persons, liable to sale, described, § 22, 551.

Surplus proceeds, of sale, to be distributed as real estate, § 23, 552.

Heirs, presumptive or apparent, deemed parties interested, and may answer to petition for license to sell, § 24, 552.

when entitled to personal notice, § 24, 552.

Costs, license contested, court may award, to prevailing party, § 25, 552.

Notice of sale, evidence of, what is sufficient, § 26, 552.

Oath, may be proved by parol, when certificate not returned, § 27, 552.

Remedy, of party damaged by misconduct of executor, administrator or guardian, § 28, 552.

ACTIONS TO TRY TITLE OF LANDS SOLD BY LICENSE, 552.

Actions, to recover lands sold under license, limited to five years, § 29, 552.

limitation, when to commence in case of person out of state, or under legal disability, § 29, 552.

sale not avoided on account of irregularity, § 30, 553.

requisites of a valid sale against persons claiming under deceased or ward, § 30, 553.

sale not held void on account of irregularity when contested by one claiming adversely, to

title of wife, ward or deceased, if court granting license had jurisdiction, and deed duly executed and recorded, § 31, 553.

REAL ESTATE,

what the words include, § 4, 58.

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

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

taxation of. See *Taxes*.

lying in two or more towns, may be sold by auctioneer in either, § 6, 332.

of corporations, liable to be taken for corporate debts, § 32, 398.

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

of banks, restrictions on amount to be held, § 17, 406.

may be attached and sold on execution, § 18, 406.

interests of banks as mortgages of lands may be attached and sold on execution, § 18, 406.

possession of, to be given to receivers, § 64, 415.

and mortgages, may be sold by receivers, § 66, 415.

of stockholders in banks, appointment of receivers creates a lien upon, § 76, 417.

held by savings banks as security, may be conveyed by treasurer, § 94, 421.

to be kept insured, § 95, 421.

insured, in mutual insurance companies, lien upon, for amount due on premium note and how enforced, §§ 27, 29, 434.

how taken for railroads, § 2, 448.

not to be entered upon, except for surveys, till location filed and damages secured, § 5, 449.

estimation and payment of damages therefor, 449-451.

of proprietors of aqueducts, limitation of amount to be held, § 5, 470.

may be attached and levied upon, for corporate debts, § 6, 470.

and personal, of libraries and charitable societies, limited, § 4, 472.

of proprietors of public cemeteries, exempt from attachment and taxation, § 11, 473.

of agricultural society, state, limited, § 8, 479.

county and local, limited, § 9, 480.

in common, proprietors of, 473-475.

See *Lands, Wharves, and other Real Estate in Common*.

married woman may hold and convey, § 1, 491.

conveyed to her by husband cannot be conveyed without his joining in deed, exceptions, § 1, 491.

without consideration by husband, may be taken for his debts, § 1, 491.

taken for public uses, damages how awarded and secured, § 9, 492.

executors or administrators to account for income of, if occupied by them, § 55, 516.

REAL ESTATE—*Continued.*

- partition of*, by probate court, 521-523.
 - expenses, how paid, § 31, 502.
 - guardian may act in, for ward, § 14, 535.
 - on writ of partition, 694-697. See *Partition of Real Estate.*
- distribution of*, held in mortgage or taken on execution, §§ 32-35, 525.
 - of persons deceased out of state, §§ 36-38, 525, 526.
- of wards, powers of guardians, relating to, 535-537.
 - when ward prior to guardianship, had contracted to convey, guardian may convey after appointment, § 14, 536.
- sales of*, by license of probate court, 547-553.
 - when held in mortgage or taken on execution, § 33, 525.
 - by public administrators, § 27, 511.
 - executor or administrator to account for proceeds, § 54, 516.
 - licenses to carry into effect contracts of deceased persons to convey, §§ 16, 17, 552.
 - when conveyed in fraud of creditors, § 22, 551.
 - surplus proceeds of sale to be distributed as, § 23, 552.
- person owning and having right of entry, may convey, § 1, 559.
- trees when they form part of, and pass by deed, § 1, 559.
- carpets, stoves and funnels do not form part of, § 1, 559.
- aliens may hold and convey, § 2, 559.
- pews declared to be, § 29, 562.
- into which testator has right of entry, may pass by will, § 4, 564.
- acquired after execution of will, pass by will, if so intended, § 5, 564.
- not devised, applied to pay debts, before what is devised, § 13, 565.
- devise of, conveys whole estate of deviser, unless the contrary appears, § 16, 565.
- descent of*, 566, 567. See *Descent, Title by.*
- attachment of*, 625, 626.
 - how dissolved, 628-630. See *Attachment.*
- when title to, in question, cases to be transferred from trial justices to supreme judicial court, § 4, 659.
- mortgages of*, 702-708. See *Mortgages of Real Estate.*
- levy of execution*, title to real estate by, 570-579.
 - by appraisement, 569-574.
 - redemption of, 574.
 - on equities of redemption, § 27, 575.
 - how redeemed, § 23, 575.
- sales of rights and interests in, on execution, 575, 576.
 - right of redemption from such sales, 576, 577.
 - of lands of banks and manufacturing corporations, and their interests as mortgagees, on execution, §§ 39, 40, 577.
 - how redeemed, § 41, 577.
- redemption of lands of defaulted defendants, living out of the state, §§ 49, 50, 579.
- seized on execution, how lien thereon preserved in case of prior attachment, § 24, 668.
- of inhabitants, how sold on execution against towns, §§ 29-31, 669.
- levies on, when void, if judgment reversed on review, § 14, 701.
- sales of, on execution, not vitiated by reversal of judgment on error, § 5, 754.
- levy upon, on execution, void, if judgment reversed on error brought within one year, § 5, 754.
- contracts to convey*, not valid unless in writing, § 1, 786.
 - specific performance, how enforced in equity, §§ 6-10, 787, 788.
 - licenses to carry into effect, §§ 16, 17, 551.
- waste and trespass on*, 731-734. See *Waste and Trespass.*
- disclosed by poor debtor, how lien of creditor may be preserved, § 7, 793; § 10, 794; § 17, 795; § 37, 799.

RECEIPTS,

- for taxes, constables and collectors to give, on payment; penalty for neglect, § 101, 149.
- not void, because dated on Lord's day, § 103, 654.

RECEIVERS,

- of banks, 414-418. See *Banks and Savings Institutions.*
- of insolvent savings institutions, when they may be appointed, § 100, 422.
- and trustees may compromise debts due insolvent savings banks, § 102, 422.

RECEIVERS—Continued.

of insolvent insurance companies, may be appointed by supreme judicial court, § 48, 437.
 may maintain actions in their own name, § 53, 439.
 of stolen goods, how punished, 832-834. See *Larceny*.

RECOGNIZANCES FOR DEBTS, CHAP. 112, 788, 789.

any person legally capable, may enter into, and bind his person and estate, § 1, 788.
 may be taken before any justice of the peace, form of, § 1, 788.
 to be recorded and delivered to creditor, § 2, 789.
 filed with clerk of the court, execution may issue thereon, § 2, 789.
 execution not to issue against lands, if debt does not exceed twenty dollars; against body, if less than ten, § 3, 789.
 executor or administrator may renew execution, § 4, 789.
 when one of several debtors or creditors dies, rights of survivors same as in case of a judgment § 5, 789.
 remedy, when execution is wrongfully issued, § 6, 789.

RECOGNIZANCES,

penal sum of, in prosecutions under liquor law, regulated, §§ 44, 47, 308.
 in proceedings under liquor law, duty of municipal officers to enforce, § 55, 311.
 in case of single sale of liquors, form of, 314.
 seizure of liquors, form of, 316.
 equity powers of supreme judicial court, for relief from forfeitures of, in criminal cases, § 5, 582.
 to prosecute appeals in civil actions, judgment how rendered, and execution how issued on, § 27, 642.
 to be given by subsequent attaching creditors when admitted to defend prior suit, § 40, 644.
 proceedings thereon, § 41, 644.
 on removal or appeal of civil actions from trial justices, §§ 4, 5, 659; § 18, 661.
 in cases of forcible entry and detainer, §§ 4, 6, 8, 9, 730.
 in criminal cases, no fee to be taxed for, § 25, 822.
 to keep the peace, may be required by justices of supreme judicial court and by magistrates, § 8, 869; § 4, 891.
 may be given after commitment, § 8, 869.
 may be required without complaint, § 9, 869.
 supreme judicial court may remit the penalty or part thereof, § 11, 870.
 sureties may surrender their principals, as bail in civil cases, § 12, 870.
 for witnesses in criminal cases, how required on appeals, § 8, 876.
 on commitments or binding over, § 14, 882.
 to prosecute appeals in criminal cases, § 15, 877.
 of accused on adjournments of examinations, §§ 10, 11, 881.
 when and how taken by magistrates, §§ 4, 5, 875; § 15, 877; § 6, 880; § 14, 882.
 to be returned to county attorney or clerks of courts, § 17, 882.
 remedies on, §§ 20-23, 883, 884.
 forfeited, payment of private claims from, § 25, 889.
 after verdict, conditions of, § 26, 889.
 of fugitives from justice in other states, till executive warrant can be obtained, § 8, 901.
 of witnesses at coroners' inquests for appearance at supreme judicial court, § 6, 903.

RECORD,

of lists of magistrates, in office of clerk of courts, evidence of appointment, § 38, 68.
 of proceedings at sale of lands in unincorporated places for non-payment of taxes, to be kept by state treasurer, and copy to be evidence, § 49, 140.
 of valuation of property and assessment of taxes to be kept by assessors, § 73, 144.
 of deeds of lands, sold for non-payment of taxes, when made and effect thereof, § 160, 160.
 of sales of intoxicating liquors, to be kept by state commissioner, § 17, 300.
 to be kept by agents of towns, § 18, 300.
 to be kept by inspector of flour, § 38, 349.
 of meridian lines, variations of compass, and verifications of such lines, by commissioners appointed by governor, §§ 12, 14, 16, 388.
 of estimate of damages in locating railroads, to be made by county commissioners, § 8, 449.
 of marriages, to be kept and returned to town clerk, by persons authorized to solemnize, § 15, 485.
 copies of, attested, to be evidence of marriage, § 16, 485.
 births and deaths, 486. See *Marriage and its Solemnization*.
 probate courts are courts of, § 1, 496.

RECORD—Continued.

- of return of commissioners on assignment of dower, or partition of real estate, where made, § 20, 523; § 21, 696.
- conveyances and leases for more than seven years, not valid against third parties, without actual notice or, § 8, 560.
- of declaration of trust, notice thereof, § 12, 560.
- of deed, how person interested may compel, § 27, 562.
 - takes effect from the time when received by register, § 28, 562.
- of levy of execution on real estate, §§ 15, 16, 572.
- of election or appointment of sheriffs to be made in office of clerk of courts, § 8, 602.
- of persons committed to jail, to be kept under direction of sheriff, with description and particulars, § 27, 606.
- of time and manner of discharge or escape of prisoners, § 27, 606.
- of attachment of personal property, in town clerk's office, § 24, 620.
 - of real estate in registry of deeds, § 56, 626.
- of mortgages of personal property by town clerk, § 1, 710.
- of court, certified transcript of, competent evidence in trial of writ of error, § 8, 754.
 - copy of, in capital cases, to be transmitted to governor, §§ 7, 9, 892.
- of depositions in perpetuum, how made, § 24, 781.
- of conduct of convicts, to be kept by warden of state prison, § 14, 910.
 - to be submitted to governor and council every three months, § 15, 910.

RECORDS,

- of the state, to be kept by secretary of state, § 30, 67.
- of towns or school districts, how amended, § 8, 78.
- of qualification of town officers, to be kept by clerk, § 17, 80.
- of register of deeds, to be completed by successor, § 13, 168.
 - to be made on linen paper, § 14, 168.
- of parishes, to be open to inspection, § 22, 209.
- to be kept by pound keepers, and what to contain, § 6, 273.
 - by notaries public, of all acts, protests and depositions, § 3, 323.
 - copies thereof, evidence, § 4, 328.
 - when office vacated, to be deposited in office of clerk of courts, § 5, 328.
 - penalty for destroying, defacing or concealing, § 6, 328.
- books and, of corporations, to be open to inspection, § 9, 395.
 - penalty for preventing access to, § 13, 395.
 - to be produced by stockholders, pending bill in equity, § 34, 399.
- of proprietors of lands, and wharves, in common, to be deposited in office of town clerk, after final division of property, § 12, 475.
- of intentions of marriage, to be made by town clerk, § 4, 483.
- of probate court, judge of probate to examine records of his predecessor and authenticate them, if correct, § 10, 498.
 - neglect to complete for more than six months, constitutes breach of bond of register, § 15, 499.
 - to be inspected by supreme court of probate, § 17, 499.
 - may be completed by acting or succeeding register, § 19, 500.
 - books for, to be provided by county, § 34, 502.
- and documents, in custody of clerk, supreme judicial court has control of, § 3, 581.
- and papers of registry of deeds, of probate, and of clerk of courts, county commissioners to provide fire-proof buildings for, § 11, 591.
- of clerk of courts, § 6, 595.
 - unfinished, of former clerks, deceased, how completed, § 6, 595.
 - to be examined by supreme judicial court, § 10, 596.
- of courts of other states, properly authenticated, to be evidence, § 96, 652.
- copies of consular and custom house records admissible in evidence, § 100, 653.
 - adjutant generals' records, admissible in evidence, § 101, 653.
- of trial justices, how kept, § 24, 662.
 - deceased, may be transcribed by other justices, § 24, 662.
 - execution on such transcript may be issued, § 25, 662.
 - to be deposited in clerk's office, by their administrators, § 26, 662.
 - penalty for neglect, § 26, 662.
 - removing from state, to be deposited with clerk of courts, § 26, 662.
 - penalty for altering, erasing or counterfeiting, § 1, 835; § 7, 836.

RECORDERS,

of municipal or police courts, penalty for illegal taxation of costs by, § 27, 822.

REDEMPTION,

of *lands*, in unincorporated places, sold for non-payment of taxes, § 48, 139; § 50, 140; § 59, 142.

in incorporated places, § 161, 160; § 171, 164.

by paying amount due into state, county or town treasury, § 165, 161.

treasurer's receipt, evidence of payment, § 177, 165.

of *bills of banks*, after surrender of charter, § 418, 419.

of *railroad mortgages*, 458, 459.

by bondholders, organized into a new corporation, 459, 460.

by subsequent mortgagees, §§ 60, 61, 460.

by part of subsequent mortgagees, §§ 62-66, 460, 461.

by stockholders, after redemption of prior mortgages, by subsequent mortgagees or part of them, § 64, 461.

time for redemption may be extended, § 66, 461.

railroads and franchises sold under mortgage, may be redeemed as mortgaged real estate, § 67, 461.

what expenditures to be paid before redemption, § 67, 461. See *Railroads*.

of *proprietors' rights*, in common, in lands and wharves sold for non-payment of assessments, § 9, 475.

of *personal property*, attached, by creditor, § 44, 623.

officer to pay creditor, in the first place, amount paid by him to redeem, § 44, 624.

mortgaged, §§ 3-6, 710-712.

of *lands*, levied upon, by appraisal, § 21, 573; §§ 22-26, 574.

of defaulted defendants, living out of the state, after judgment on review, §§ 49, 50, 579.

of *private property*, sold on process against a town, § 30, 669.

of *mills*, sold for non-payment of yearly damages, limited to one year, § 17, 723.

RIGHTS OF, seizin of, how delivered on levy of execution, § 12, 572.

attachment of, holds premises free, when incumbrance is removed, § 53, 625.

creditor attaching, may discharge incumbrance, § 57, 626.

date from administration of oath to appraisers, § 19, 573.

levies on, § 27, 575.

how redeemed, § 28, 575.

how taken on execution and sold, 575-577. See *Execution, Title to Real Estate by Levy of*.

from sale or levy on execution, may be attached and sold, 576, 577.

creditor seizing, on execution, may redeem the property as debtor might, and be repaid from proceeds of sale, § 38, 577.

banks and manufacturing corporations have, to redeem lands and their interests, as mortgagees, sold on execution, § 41, 577.

in case of levy on lands of deceased person on judgment against executor or administrator, § 44, 578.

in case of buildings on leased land sold on execution, § 11, 666.

of demands, held by principal defendant in trustee process, against trustee, how plaintiff may be subrogated to, §§ 86, 87, 688.

from mortgages of real estate, § 6, 704.

proceedings in equity to redeem, 13, 705; § 14, 706; § 20, 707.

when mortgagee is out of the state, § 16, 706.

from mortgages to state, jurisdiction of supreme judicial court in equity to enforce, §§ 22, 23, 707.

mortgager, having redeemed the equity sold on execution, may redeem the mortgage from the purchaser of the equity, who has previously redeemed mortgage, § 27, 708.

of mortgaged estates, equity of redemption and lands sold on execution, after death of owner, § 24, 707.

REFEREES,

interest allowed on reports of, § 23, 586.

rules of evidence in proceedings before, § 89, 652.

full costs allowed on report of, § 107, 654.

report of, judgment rendered on, how reviewed, § 1, 699.

penalty for bribery of, § 8, 841.

for attempts to corrupt, § 10, 841.

REFERENCE OF DISPUTES BY CONSENT OF PARTIES, CHAP. 108, 782, 783.

- all controversies, which may be the subject of a personal action, may be submitted by agreement, § 1, 782.
- form of agreement, to be signed by the parties, and acknowledged before a justice of the peace, § 1, 782.
- when a specific demand is submitted, it shall be annexed to the agreement; need not be, when all demands are submitted, § 2, 783.
- all the referees must meet and hear the parties, majority to decide, § 3, 783.
- may allow costs, § 3, 783.
- report to be delivered, or sealed up and transmitted to court, § 4, 783.
- court may accept, reject, or recommit, § 5, 783.
- judgment upon report may be reversed by writ of error, exceptions lie to the ruling of court upon report, § 5, 783.

REFERENCE,

- of claims, by license of probate court, § 50, 515.
 - after appeals from decisions of commissioners of insolvency, § 15, 530.
 - or compromise, by guardian, may be authorized by probate court, § 15, 536.
 - against trust estates, may be authorized by judge of probate, § 9, 541.
- of suit and all demands, and judgment on report thereof, attachments, of real and personal estate, dissolved by, § 65, 628.

REFORM SCHOOL, STATE, CHAP. 142, 922-926.

- government vested in a board of trustees consisting of five, § 1, 922.
- trustees of, their appointment, compensation, powers and duties, § 1, 922.
- trial justices may sentence boys between the ages of eight and sixteen to, § 2, 923.
 - sentence to be conditional, § 2, 923.
- boys sentenced to, how instructed, § 6, 924.
- boys between the ages of eight and sixteen years, convicted of certain offences, may be sent to reform school, or suffer other punishment, § 3, 923.
- town where boy resided at time of commitment, to pay expenses of conveyance and for subsistence, not exceeding one dollar per week, § 3, 923.
- residence of boy, if known, to be stated in mittimus, § 4, 923.
- superintendent to notify town of its liability, § 4, 923.
- notice how given, and what it shall contain, § 4, 923.
- superintendent in his own name for use of state may sue for, and recover of town, expenses for clothing and subsistence, § 5, 924.
- town may recover of parent, master or guardian, § 5, 924.
- trustees have power, when deemed inexpedient, to refuse to receive boys sentenced to, proceedings in such cases, § 7, 924.
 - may discharge boys when reformed, § 7, 924.
 - may prescribe rules to authorize superintendent to reject boys sentenced to, § 7, 924.
- costs of transporting convicts to, to be paid by county, § 8, 924.
- form of commitment to, and effect of discharge, § 9, 924.
- boys sentenced to, may be bound out by trustees; rights of trustees, masters and apprentices in such cases, § 10, 924.
- in what branches instruction shall be given, § 11, 925.
- duties of trustees in binding out boys from, § 11, 925.
- superintendent of, powers and duties, § 12, 925.
 - to give bond; conditions of bond, § 12, 925.
 - books of, to be open to the inspection of trustees, and to be examined once in six months, § 12, 925.
 - to keep a register, containing the names and ages of boys committed, and the facts in their history, § 12, 925.
 - to make contracts, to be approved by trustees, § 13, 926.
 - vacancy in office, suit by or against, not to abate upon, successors may be required to prosecute or defend such suit, § 13, 926.
- examinations of, to be made periodically by trustees, and records of visits to be made, § 14, 926.
- trustees to submit annually, in December, to governor and council, abstracts of quarterly reports and communicate full report of the superintendent, § 14, 926.
 - to furnish governor and council financial statement of receipts and expenditures of, § 14, 926.
- governor and council to draw warrants for appropriations made to, § 15, 926.
- treasurer of state to pay treasurer of, forty-two dollars annually for library of, § 15, 926.

REGISTER,

of investments of state sinking funds to be kept by state treasurer, § 52, 70.

OF DEEDS, 166-169. See *Deeds, Register of.*

certificates of foreclosure of mortgages of real estate, by consent, to be recorded by, § 3, 703.

notice of foreclosure of such mortgages, to be recorded by, § 5, 704.

to record depositions taken in perpetuum, § 24, 781.

to file certificates of liens on real estate disclosed by poor debtors, § 37, 799.
fees, § 17, 819.

OF PROBATE, 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, § 28, 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.*

REGISTRY OF DEEDS; § 8, 560. See *Deeds, Registry of.*

RELEASE,

or quitclaim, deed of, conveys interest of grantor, § 14, 560.

of debtor, under provisions for relief of poor debtors, effect of, § 35, 799.

RELIEF,

of poor debtors, 792-804. See *Debtors, Poor, Relief of.*

RELIGIOUS,

SOCIETIES, 206-210. See *Parishes.*

MEETINGS, disturbance of, and observance of the Sabbath, §§ 17-24, 851, 852.

REMAINDERS AND REVERSIONS,

partition of, may be made by probate court, § 9, 521.

how barred by conveyance in fee simple, § 4, 559.

when levied on, debtor not to be ousted, but right assigned, § 12, 572.

owners of, may sue in action of waste, § 3, 732.

when liable to owners of life estate, for value of improvements, § 42, 767.

when right of entry deemed to accrue, as affecting limitations of real actions, § 3, 769;
§ 9, 770.

REMOVAL,

of paupers, to the town of their settlement, § 28, 283.

foreign, out of the state, how effected, § 31, 283.

of prisoners, infected, from jail, may be made by order of municipal officers, § 12, 218.

insane, from state prison to insane hospital, § 5, 899.

of executors, administrators, guardians, power of judge of probate over, § 21, 510; § 18, 536.

RENEWAL,

of promise, to be in writing, and express, to affect limitation of personal actions, § 93, 633.

RENT,

limitation of actions for arrears of, § 79, 631.

sums due for, and damages to leased premises, recovered in action of assumpsit, § 10, 731.

tenant in common or joint, taking more than his share of, liable in assumpsit, § 16, 734.

not to be charged to widow until ninety days after death of husband, § 14, 758.

RENTS AND PROFITS,

of mills, may be taken in payment for repairs by past owners, § 3, 476.

when and how execution may be levied on, § 8, 571.

of life estates, levy of execution upon, § 10, 572.

of estates under lease, levy of execution upon, § 11, 572.

of buildings on leased lands, levy of execution upon, for land rent, § 11, 665.

deduction of, from sum brought into court, for redemption of mortgaged real estate, § 20, 707.

widow, entitled to one-third, till dower assigned, § 4, 757.

recovering dower, may maintain action for, against prior tenant, § 21, 759.

of mills or other tenements not divisible, may be assigned to widow as dower, § 24, 759.

in real actions, demandant prevailing, may recover, § 11, 762.

how estimated, §§ 12-14, 762, 763.

REPAIRS,

of ways, location not to be denied, if made within six years, § 66, 252.
 of private ways, owned in common, 254, 255. See *Ways*.
 of mills, 476. See *Mills and their Repairs*.

REPEAL,

of acts or resolves passed after March 4th, 1870, shall not revive any statute in force before the act or resolve took effect, § 3, 57.
 shall not affect any penalty or forfeiture previously incurred, or any suit or prosecution pending at time of repeal, § 3, 57.
 consolidated in revised statutes, 935.
 list of acts repealed, 935-937.
 not to revive acts repealed by them, § 2, 937.
 acts of incorporation, declared public, not repealed, § 2, 937.
 acts repealed, remain in force, for certain purposes, § 2, 937.
 by legislature, of charters of new corporations, formed by foreclosure of railroad mortgages, § 68, 462.

REPLEVIN OF BEASTS AND CHATTELS, CHAP. 96, 734-737.**REPLEVIN OF BEASTS, 734.**

Beasts, impounded or distrained, may be replevied, § 1, 734.
 writ to replevy, how sued out, served and returned, § 2, 735.
 action to be brought before trial justice, § 2, 735.
 bond to be given by plaintiff before service, § 3, 735.
 conditions of bond, § 3, 735.
 new sureties upon, may be required, § 3, 735.
 judgment, how rendered by justice, if beasts were lawfully distrained, § 4, 735.
 were unlawfully distrained, § 5, 735.
 appeal given to either party, as in other civil actions, § 6, 735.
 cases in which the action of replevin is to be transferred to the supreme court, § 7, 735.
 party requesting such transfer, to recognize to enter and prosecute, § 7, 735.

REPLEVIN OF GOODS, 735.

Goods, unlawfully detained, may be replevied, how, § 8, 735.
 action of replevin, in what court to be brought, § 9, 736.
 bond to be given by plaintiff before service, conditions of bond, § 10, 736.
 defendant prevailing, to have judgment for return of goods and costs, § 11, 736.
 plaintiff claiming property as security for debt, claim discharged and property returned without costs, on payment or tender, § 11, 736.
 damages, amount of, in cases of attachment, or goods taken in execution, § 12, 736.
 money recovered by an officer in an action of replevin, how applied, § 13, 736.
 by a creditor, how applied, § 14, 737.
 plaintiff recovering, to have judgment for damages and costs, § 15, 737.
 judgment for return, attachment previously made to be valid, § 16, 737.
 writ of reprisal, when it may be issued, § 17, 737.
 replevin bond, defendant's remedy on, continued, § 18, 737.
 limitation of surety's liability to one year after final judgment, § 19, 737.
 or, if action not entered, to one year after end of term at which it should have been entered, § 19, 737.

REPLEVIN,

of beasts impounded, § 18-24, 276.
 liquors seized, not liable to, § 43, 307.
 third party, claiming goods attached on mesne process, may maintain action of, within ten days after notice, § 38, 622.
 personal property attached and taken from officer by writ of, subject to farther attachment, as if in his possession, § 46, 624.
 restriction of such right to attach, § 48, 624.
 limitation of actions of, § 79, 631.
 in actions of, jury to decide the value of the property, when part only belonged to plaintiff, § 106, 654.
 costs in such case, § 106, 654.
 actions of, survive, § 8, 690.
 goods returned by executors or administrators, on judgment in, not deemed assets, § 9, 691.
 rights of defendants on review of actions of, § 13, 701.
 action of, to recover mortgage personal property, after redemption, § 3, 711.

REPLEVING A PERSON, WRIT FOR, CHAP. 101, 751, 752.

- Person, imprisoned, or held in duress, unless by legal authority, entitled to writ, of right, § 1, 751.*
 writ to issue from, and to be returnable to supreme judicial court, or superior court in the county of Cumberland; service, § 2, 751.
 form of writ, § 3, 752.
 plaintiff suing out writ, to give bond, § 4, 752.
 officer serving, to be answerable for sufficiency of bond, § 4, 752.
 judgment, if for plaintiff, if for defendant, § 5, 752.
 damages, how assessed, § 5, 752.
 appearing that defendant is bail for, or entitled to custody of plaintiff, judgment for re-delivery of body, § 6, 752.
 defendant, eloigning body of plaintiff, writ of reprisal to issue, § 7, 752.
 may be enlarged by giving bail, § 7, 752.
 to be discharged if not found guilty of eloigning plaintiff, § 8, 752.
 found guilty, to be committed to jail to remain irrepleviable, till he produces body of plaintiff or proves his death, § 8, 752.
 death of plaintiff, suggested by him, court to impanel a jury to try the fact, § 8, 752.
 proved, defendant to be discharged, § 8, 752.
 form of writ of reprisal, § 8, 752.
 plaintiff's body produced, proceedings in court, § 9, 752.

REPORTS,

- of auditors, how made and effect thereof, §§ 63, 64, 647.*
of commissioners, appointed in case of contagious diseases among cattle, § 53, 224.
 upon claims against insolvent savings banks, § 101, 422.
 of insolvency, what to contain, § 3, 528.
 when to be made, § 8, 529.
 may be recommitted, § 8, 529.
 neglect of administrators to settle account within six months after, deemed breach of bond, § 19, 531.
 on disputed claims, in probate proceedings, execution how issued on, § 131, 657.
 for partition of real estate, and proceedings thereon, § 21, 696.
 appointed to appraise damages for flowing lands, § 10, 722.
 may be given in evidence to jury, § 10, 722.
 what evidence admissible to contradict such report, § 10, 722.
 to be accepted and judgment rendered, unless parties claim trial, § 11, 722.
 accepted, bars any future action, § 12, 722.
of decisions, volumes of, their size and style, § 29, 587.
 one volume of, to be published annually, § 29, 587.
 distribution of, by secretary of state, § 41, 69.
of directors, of insurance companies, to be made at least once in three years, § 16, 431.
of evidence, to be signed by judge, when motion made to set aside verdict as against evidence, § 33, 643.
of receivers of banks, upon claims against banks, to be presented to court within one year, § 71, 416.
 what to contain, objections to, and proceedings thereon, § 71, 416.
 to contain statement of whole amount and value of assets of bank, § 101, 422.
of referees; interest to be allowed upon, § 23, 536.
 how to be made, § 4, 783.
 judgment rendered on, how reviewed, § 1, 699.
 ANNUAL, of attorney general, to governor and council, § 26, 537.
 of board for managing public lands, to legislature, § 4, 113.
 board of agriculture, to legislature, § 5, 479.
 treasurer of state agricultural society to make annual report to, § 8, 479.
 secretaries of local agricultural societies to make annual report to, § 14, 481.
 commissioner of state, for sale of intoxicating liquors, § 17, 300.
 of insurance, to legislature, § 56, 440.
 county attorneys, to attorney general, § 15, 597.
 examiner of banks, to governor and council, § 55, 413.
 inspectors of fish, § 5, 364.
 of nails, § 22, 359.
 of pot and pearl ashes, § 13, 358.

REPORTS—*Continued.*

- ANNUAL, of inspectors of state prison, § 8, 908.
 of land agent, §§ 48, 49, 121; § 51, 122.
 librarian, state, to legislature, § 72, 73.
 railroad commissioners, to the governor, § 72, 462.
 to contain statement of causes of serious accidents on railroads, § 78, 464.
 railroad companies, to secretary of state, § 30, 454.
 selectmen, treasurers and all other persons charged with the expenditure of town
 moneys, § 31, 82.
 superintending school committee, § 54, 195.
 superintendent, of common schools, § 71, 200.
 of insane hospital, § 7, 929.
 treasurers, county, § 15, 171.
 of savings banks, to bank examiner, § 98, 422.
 treasurer of state, § 50, 70; §§ 63, 66, 72.
 to include exhibit of state sinking funds, § 52, 71.
 trustees, of reform school, § 14, 926.
 of insane hospital, § 6, 929.

REPORTER OF DECISIONS,

- appointment, qualifications, oath and tenure of office of, § 28, 587.
 duties of, § 29, 587.
 shall publish at least one volume yearly, § 29, 587.
 to have profits of the work and to furnish copies to state and for use in state, for two years, at
 price fixed by governor and council, § 29, 587.
 volumes of reports to be of average size of Metcalf's reports, and equal to them in paper and
 binding, § 29, 587.
 after ceasing to hold office, to publish cases argued while in office, § 30, 587.
 dying, successor to complete his work, furnish copies to state, and have profits, except an allow-
 ance to representatives of deceased, § 30, 587.
 salary of, § 1, 807.

REPRESENTATIVES,

- To CONGRESS, meetings for election of, how to be conducted, and manner of ascertaining result
 of election, §§ 31, 32, 98.
 To LEGISLATURE, may be chosen by towns, on same ballot with other officers, § 23, 96.
 aldermen of cities may require separate ballot, § 43, 100.
 vacancies in office of, how filled, § 38, 99; §§ 47, 48, 101.
 no choice of, in towns not classed, new election, when to be held, and proceedings, § 30, 97.
 no choice of, in cities; proceedings, § 44, 100.
 proceedings, in case seats of, are contested, § 49, 101.
 and officers of the house, their compensation, § 6, 808.

REPRISAL,

- writ of, may issue when property replevied cannot be found, after judgment for return, § 17, 737.
 when it appears that defendant in writ for replevying a person has eligned the plaintiff,
 §§ 7, 8, 752.

REQUISITIONS,

- on banks, for loans to the state, § 38, 409.
 by governor, for fugitives from justice, 900, 901. See *Fugitives from Justice.*

RESCUE,

- of beasts, in action for, illegality of distraining or impounding, not a defence, § 19, 276.
 forcible, of a prisoner, how punished, § 16, 842.
 of state prison convict, assisting or forcibly aiding in, punishment for, § 82, 918.

RESERVED FUND,

- to be kept by savings-banks, § 98, 421.

RESERVED LANDS,

- for public uses, 114-117. See *Lands, their Sale and Settlement.*

RESERVOIRS,

- penalty for malicious injuries to, § 4, 862.

RESIDUARY LEGATEE,

- condition of bond when executor is, § 10, 507.
 may sue for, and recover legacy of executor, in action of debt, § 31, 525. See *Legatees.*

RESPONDENTIA,

- insurance companies may loan upon, § 8, 430.
- contracts of, not defeated by provisions respecting mortgages of personal property, § 6, 712.

RETURNS,

- of treasurers of towns, of sales of lands of non-resident owners for taxes, form of, § 166, 162.
 - of levies on real estate, to be recorded, §§ 4, 5, 239.
 - of names of stockholders and amount of stock owned by them, to be made to assessors by clerks of corporations and cashiers of banks, § 21, 396.
 - similar returns to be made to secretary of state annually, § 22, 397.
 - how made, and penalty for neglect, § 23, 397.
 - of banks, 411, 412.
 - of officers, of levies upon real estate by appraisal, what they shall contain, § 5, 571.
 - of levies on real estate, to be recorded, §§ 15, 16, 572.
 - of deputy sheriff, after his death amendable by sheriff, or other depnty, § 49, 609.
 - of all attachments of real estate, to be filed in registry of deeds, § 56, 626.
 - of sales of personal property on execution, how made by officer, § 9, 665.
 - of commissioners for partition of real estate, § 21, 696.
 - of bonds, in actions of replevin, to be made with the writ, § 3, 735.
 - taken in case of attachment of perishable property, after appraisal, to be made with the writ, § 32, 622.
 - upon writs of habeas corpus, § 12, 745.
 - officer making, to bring body of party restrained, § 13, 745.
 - what it shall contain, § 22, 747.
 - to be signed and sworn to, § 23, 747.
 - of commissioners for assignment of dower, § 20, 523; § 23, 759.
 - of jailers, to county commissioners, § 10, 817.
 - of warrants, for inflicting capital punishment, with doings of officer thereon, to be made to secretary of state's office, and copy filed with clerk of courts, § 11, 892.
- ANNUAL, to be made by towns, to secretary of state, of agricultural products, § 32, 82.
- of superintending school committee, to superintendent of common schools, § 55, 195.
 - to assessors, § 57, 196.
 - of school agents, to municipal officers and assessors, § 60, 197.
 - school, superintendent of common schools to furnish blanks for, § 73, 200.
 - of inspectors of agricultural productions, § 23, 348.
 - of insurance companies, to insurance commissioner, on blanks furnished by him, § 47, 437; § 54, 439.
 - of marriages, to be made to town clerk, § 15, 485.
 - by town clerk to clerk of courts, § 19, 486.
 - to secretary of state, § 20, 486.

OF ELECTIONS,

- secretary of state to distribute blanks for, § 42, 69.
- to be transmitted by clerks of towns to secretary of state, § 33, 98.
- proceedings in case of loss, §§ 35-37, 99.
- liability of persons to whom they are intrusted, § 61, 103.
- county attorney to prosecute for wilful negligence in delivering, § 62, 103.
- of votes, for electors of president and vice president, §§ 79, 80, 106.
- errors in, may be corrected, § 96, 110; § 5, 589.

REVERSIONS AND REMAINDERS. See *Remainders and Reversions*.REVIEW, 698-701. See *Actions of Review and Petitions therefor*.

- defendant living out of state, defaulted without appearance, may within six months after levy or sale, petition for, § 49, 579.
- may within three months after judgment in, redeem from such levy or sale, § 49, 579.
- petition for, when to be indorsed, § 6, 616.
- defendant defaulted without notice of suit, entitled to writ of, §§ 4, 5, 639.
- when subsequent attaching creditor may have writ of, § 43, 644.
- on petition for, court may or may not allow costs, § 110, 655.
- petitions for, and actions of, survive, § 8, 690.

REVISED STATUTES,

- to take effect from and after the first day of February, one thousand eight hundred and seventy-one, 934.

REVOCAATION,

of a will, § 8, 563. See *Wills*.

of a submission to referees, not to be made without mutual consent of parties, § 1, 782.

REWARDS,

to informers and prosecutors, in cases of forgery and counterfeiting, § 11, 837.

governor may offer, for arrest of fugitives from justice, § 5, 900.

RIGGERS,

and sailmakers, to occupy such buildings as municipal officers direct, § 16, 292.

RIOTS,

defined and penalties provided, §§ 2-6, 844, 845.

towns, when liable for injuries done by, § 8, 846.

RISKS,

what, may be taken by stock insurance companies, and limitation thereof, § 9, 430.

erroneous statements, or changes in property insured, not to prevent recovery on policy, unless they materially increase, § 19, 432.

what, mutual insurance companies may take, § 22, 433.

RIVERS AND STREAMS,

logs and timber upon, 382-384. See *Timber upon Rivers, Streams and Adjacent Lands*.

ROAD COMMISSIONERS,

unless elected by the town, or municipal officers are authorized to act as surveyors, surveyors to be appointed, § 12, 79.

towns may elect one, and not exceeding five, road commissioners, § 60, 250.

they are to be sworn, vacancies how filled, § 60, 250.

to have the powers, and be subject to the duties and penalties of surveyors, § 60, 250.

may assign care of ways to any one of their number, § 60, 250.

tax bills to be delivered to them, collection of taxes may be assigned by them to one of their number, to notify persons taxed; their certificate to assessors, evidence, § 61, 250.

how to notify non-residents, to make return of notice and neglect, § 62, 251.

taxes of delinquents, how collected, § 63, 251.

the person designated by them to collect, to be sworn and give bond, § 63, 251.

powers and duties of such collector, § 63, 251.

may be authorized to receive money for taxes, and allow discount; where more than one is chosen selectmen to designate chairman, duties of chairman, to give bond, § 64, 251.

one only being chosen, to give bond, § 64, 251.

duties of, § 51, 249. See *Surveyors of Highways*.

ROAD,

law of, 256, 257. See *Law of the Road*.

ROADS. See *Ways*.

in public lands, to be located by land agent, § 29, 118.

in unincorporated places, assessment for making and opening, and proceedings in relation thereto, §§ 51-59, 140-142.

not to be dug up for drains without consent of selectmen, § 1, 226.

location, alteration and discontinuance of, 238-242.

duties of surveyors of. See *Surveyors of Highways*.

may be dug up for aqueducts by consent of municipal officers, § 5, 470.

AND BRIDGES, penalty for malicious injury to, or obstruction of, § 4, 362.

ROBBERY,

defined, and penalty provided, § 16, 827.

ROBINS,

destruction of, when prohibited, § 16, 325.

ROCKS,

notice to be given of blasting, penalty for neglect, § 23, 234.

ROGUES,

and vagabonds, to be sent to the house of correction, § 4, 918.

ROLLING STOCK,

trustees in possession of railroad may purchase new, § 51, 458.

and railroads, to be annually examined by railroad commissioners, § 72, 462.

RULES,

- of construction of statutes and technical terms, §§ 1-6, 57-59.
- supreme judicial court may establish, § 3, 581.
 - may change the forms of writs by general, § 1, 616.
 - may prescribe rules for exercising the right of challenge of jurors, § 12, 887.
- and regulations, for state prison, may be established by inspectors, § 11, 908.
 - to be approved by governor and council, and laid before legislature, § 11, 909.
 - of insane hospital, to be posted in conspicuous places, § 27, 933.

RUM,

- and alcohol, the only liquors authorized to be manufactured, § 23, 301.

RUTA BAGA,

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

RYE,

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

SABBATH,

- penalties for breaking, § 20, 851; § 21, 852.
- persons conscientiously observing the seventh day as the Sabbath, not amenable to penalties for breaking, § 23, 852. See *Lord's Day*.

SABLE,

- destruction of, when prohibited, § 15, 325.

SACO RIVER,

- regulations for the passage of logs through booms upon, § 5, 383.

SAFETY,

- provisions for, on railroads, 455, 456. See *Railroads*.
- public, offences against, 865, 866. See *Health, Safety and Policy, Public, Offences against*.

SAGADAHOC COUNTY,

- boundaries of, 954.

SAIL MAKERS,

- and riggers, to occupy such buildings as municipal officers direct, § 16, 292.

SAILORS,

- at sea, may dispose of personal estate or wages, by nuncupative will, § 18, 565. See *Mariners*.

SALARIES OF PUBLIC OFFICERS, AND COMPENSATION OF MEMBERS OF THE GOVERNMENT, CHAP. 115, 806-809.

- Salaries*, of governor, secretary of state, treasurer of state, adjutant general, land agent, warden of state prison, superintendents of public buildings, judges of supreme judicial court, attorney general, reporter of decisions of supreme judicial court, § 1, 806.

- of county attorneys, § 2, 807.

- county attorneys not to be allowed fees or costs, except for assistance in the trial of capital cases, § 2, 807.

- of judges of probate, § 3, 807.

- of registers of probate, § 4, 807.

- Clerks of courts*, empowered to retain from fees, one thousand dollars per year, and one half over that sum, § 5, 808.

- salary of clerk of courts for Cumberland county, § 5, 808.

COMPENSATION OF MEMBERS OF THE GOVERNMENT, 808.

- Compensation*, of members of council, senate and house of representatives, § 6, 808.

- of officers of the house and senate, § 6, 808.

SALARIES,

- of agents of towns, for sale of intoxicating liquors, § 26, 302.

- of commissioners, county, 592, 593.

- of fisheries, § 25, 369.

- of railroads, § 71, 462.

- of wrecks and shipwrecked goods, § 17, 338.

- of county supervisors of schools, § 80, 201.

- of county treasurer, how fixed, § 7, 170.

- of officers of state prison, § 11, 909; § 47, 916.

- of secretary, of the board of agriculture, § 4, 479.

- of state, and of his clerks, § 33, 67; § 34, 68.

- how paid, § 35, 68.