

PRIVATE ROADS OR WAYS.

the court may make such order as to the course of the road as they may think proper. *Ibid.*

— After a road is so surveyed and laid out, the court shall direct the application and the return to be recorded, and determine the compensation to the owner of the land, to be paid by the person applying. *Ibid.*

— Such road shall thereupon be considered as the private way, and be kept open and repaired at the expence of such person as shall use the same. *Ibid.*

— Penalty on persons obstructing such road. *Ibid.*

— No such road shall be made through any garden, yard, orchard or meadow. *Ibid.*

— An appeal given to the general court, whose determination shall be final. *Ibid.*

PRIVILEGE.

Breach of privilege against the different branches of the legislature in the cases therein mentioned may be punished by them by imprisonment of the persons guilty. *Const.* 12.

No assignment hereafter made of any bond; bill, penal or single, promissory note or bill of exchange, to any person entitled to sue by attachment of privilege, shall operate to enable such person to sue by attachment of privilege, but the said assignee shall have the same remedy as persons not entitled to sue by attachment of privilege. 1799, ch. 29.

PROBAT.

Directions respecting the probats of deeds. 1725, ch. 8.

— Of foreign and other debts, deeds, &c. 1785, ch. 46.

See EVIDENCE.

Fee to justices for taking probat of accounts. 1796, ch. 43, § 31.

— Their duty to write and prepare all probats, &c. *Ibid.*

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Directions respecting the probat of wills. 1798, No. 101, ch. 2.

See ORPHANS COURTS. WILLS.

PROCEDENDO.

When to be awarded on the return of a writ of *habeas corpus*. October, 1778, ch. 21, § 11.

See HABEAS CORPUS.

Directions for returning transcripts of the records with a writ of *procedendo* to the general or county courts on the reversal of judgments from the said courts respectively. 1790, ch. 42.

See APPEALS.

PROCESS CIVIL.

Any persons in the state may order out process in their own names, without any titling from an attorney, and the clerks of the general and county courts shall, on application to them, issue such writs, the parties demanding the same, (if nonresidents of the state,) giving security for their fees. 1716, ch. 20, § 2.

PROCESS CRIMINAL.

See PROSECUTION.

PROCLAMATION WARRANTS.

See LAND and LAND-OFFICE.

PROFIT.

No profit or loss shall accrue to executors or administrators by the increase or decrease of the estate under their care. 1785, ch. 80, § 8; 1798, No. 101, ch. 8, § 2.

Guardians shall account for the profit and increase of the estates under their care, and shall not be answerable for any loss or decrease sustained without their faults. 1785, ch. 80, § 9; 1798, No. 101, ch. 12, § 9.

PROPERTY.

Every man having property in, a common interest with, and an attachment to, the community, ought to have a right of suffrage. *Decl.* 5.

Property required as a qualification for voters. *Const.* 2.

— For delegates. *Ibid.* 2, 4, 5.

— For electors of the senate. *Ibid.* 14.

— For senators. *Ibid.* 15.

— For governor. *Ibid.* 30.

— For members of the council. *Ibid.* 26.

— For sheriff. *Ibid.* 42.

— For inspectors of tobacco. 1789, ch. 20, § 5.

Property how to be valued and assessed. 1797, ch. 89.

See VALUATION OF PROPERTY.

PROROGATION.

The governor shall not prorogue or dissolve the general assembly at any time. *Const.* 29.

PROSECUTION.

No process for any criminal matter or other misdemeanor shall issue out of any court without a presentment first found by the grand jury, unless by a special order of the court. 1715, ch. 48, § 1, 2.

— Clerks not to issue such process without an order from an attorney. *Ibid.* § 3.

No attorney-general, or clerk of the peace, or of indictments, shall exhibit any bill of indictment to a grand jury without an order from the court, or one of the justices, or unless the offender be bound over to such court, or presented by the grand jury of their own knowledge. 1722, ch. 5.

No prosecution or suit shall be commenced for any fine, penalty or forfeiture, unless within one year from the time of the offence committed. February, 1777, ch. 6, § 1.

No prosecution or suit shall be commenced for any forfeiture imposed by this act, unless within one year from the time of the offence committed. November, 1779, ch. 25, § 19.

No *nolle prosequi* shall be granted by the governor in case of any prosecution by presentment or indictment for the recovery of any fine, penalty or forfeiture only. April, 1782, ch. 42, § 4.

All prosecutions and actions for the recovery of any penalty or damages for any breach of the act to regulate the inspection of tobacco shall be commenced within one year after the offence committed or damage done. 1789, ch. 26, § 63.

See LIMITATION OF ACTIONS.

An appeal given to the general court from the judgment or determination of a county court in any civil suit or action, or any prosecution for the recovery of any penalty, fine or damages. 1785, ch. 87, § 6; 1796, ch. 43, § 5.

The prosecution to be by indictment or action of debt in acts which direct it to be by bill, plaint or information. November, 1792, ch. 20.

PROTEST.

Fees allowed to public notaries for drawing and recording protests. November, 1779, ch. 25, § 2, 3.

An act ascertaining what shall be recovered on protested bills of exchange. 1785, ch. 38.

See BILLS OF EXCHANGE.

All inland bills of exchange or orders drawn by a citizen, &c. of any other of the United States, or any person residing or being therein, on any person, &c. of this state, or residing or being therein, shall be liable to official protest by a notary public, or the clerk of any county court. *Ibid.* § 2.

In case of a bill of exchange, the protest and other things which would be required, (if the deceased were alive,) shall be necessary to justify an executor or administrator in making payment or distribution. 1798, No. 101, ch. 9, § 6.

PROVISIONS.