

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.

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Augusta:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

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1846.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

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trying, or placing of any obstruction, as in the preceding section mentioned, with the intent therein set forth, any person passing on and over said rail road, shall actually suffer any bodily harm or any property shall be injured, such actual suffering and injury shall be decreed and taken as an additional aggravation of the offense and the person offending shall be punished accordingly by such further prolonged confinement to hard labor in the state prison as the circumstances of the case may demand.

**CHAP. 198.**

If any person shall suffer bodily harm or any property shall be injured.

**SECT. 3.** If any person shall willfully and maliciously displace or disadjust any railway switch or rail of any rail road, or shall break down, rip up, injure or destroy any rail road track or rail road bridge, or any portion thereof, or place any obstruction whatever on any such rail or rail road track or bridge, with intent that any person or property passing on and over said rail road should be injured thereby, and if in consequence of such willful and malicious displacing, disadjusting, breaking down, ripping up, injuring, destroying or placing of obstructions as aforesaid, any person is killed, or any life or lives lost, every person so offending shall be deemed and taken to be guilty of murder and shall be liable to be indicted and tried for the crime of murder with malice aforethought.

If any person is killed.

**SECT. 4.** It shall be the duty of the president of every rail road now or which hereafter may be put in operation in this state, to cause a printed copy of this act to be kept constantly hung or posted up in some conspicuous place in each and every one of their several depots and station houses for passengers.

Duty of presidents of rail roads.

**SECT. 5.** This act shall take effect and be in force from and after its approval by the governor.

[Approved July 30, 1846.]

**Chapter 198.**

An Act additional to the one hundred and fourteenth chapter of the revised statutes.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

The notice directed by the fifty-fourth section of the chapter to which this act is additional, may be given by posting up, in two public places in the town where the goods are attached, a notice of the time and place of the appraisal provided for in the said section, together with the names of the parties in the action on which the goods were attached and of the supposed owner or owners of the

Appraisers to post up notice in two public places of the time and place of sale of certain goods attached.

## CHAP. 199.

goods, four days, at least, before the time of such appraisal; and such notice shall be as effectual as that now provided by law.

[Approved July 30, 1846.]

### Chapter 199.

An Act conferring certain powers upon the justices of the supreme judicial courts and district courts.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

When license may be granted to executors or administrators, who may be judges of probate, to sell real estate.

SECTION 1. The supreme judicial court, and the district court, in its respective districts, are hereby authorized to grant license to executors or administrators, who may be judges of probate, or in cases where judges of probate may be interested as parties, to sell at public or private sale, real estate levied upon by execution, or held in mortgage and not redeemable in consequence of the expiration of the time of redemption or otherwise, when it shall be made to appear to said courts respectively, that it would be for the benefit of the parties in interest, that said real estate should be sold, rather than distributed among those who are entitled to the personal estate, according to law.

Executors or administrators to give bond.

SECT. 2. The said supreme judicial court, and said district court in its respective districts, may entertain, hear and order notice, on a petition by said executor or administrator for said purpose in any county, returnable to said courts respectively, held in the county where said executor or administrator received his appointment, in which last named county license shall be granted, if the court shall grant it; and the said executor or administrator shall give bond, as by law is required in other cases of license to sell real estate, upon being licensed as aforesaid, to the judge of the court of probate in and for the most ancient next adjoining county, to be by said judge approved, and so approved, with the oath of said executor or administrator, to be recorded in the county where the license is granted; and said executor or administrator shall conform, in all other respects, to the existing law in reference to the sale of real estate by executors and administrators.

Bond and oath to be recorded.

SECT. 3. This act to take effect from and after its approval by the governor.

[Approved July 30, 1846.]