

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1859.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

called to testify by or with the consent of her husband, and the husband by or with the consent of his wife. CHAP. 103.

SECT. 2. This act shall take effect when approved by the governor.

[Approved April 2, 1859.]

Chapter 103.

An act to amend the thirty-sixth section of chapter eighteen of the revised statutes, relating to ways.

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

The thirty-sixth section of chapter eighteen of the revised statutes, is amended so as to read as follows :

SECT. 36. If such judgment is wholly against the prayer of the original petition, the commissioners shall proceed no further thereon, and no petition praying for substantially the same matter shall be entertained by them for two years thereafter ; but if the judgment is otherwise they shall carry it into effect as if made by them ; and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs to the prevailing party to be paid out of the county treasury. The compensation of the committee is to be the same as commissioners would have for like services, to be allowed by the court. The costs are to be collected as provided in section three.

Ch. 18, sec. 36,
R. S. amended.

Judgment wholly against prayer, no further proceedings, otherwise to be carried into effect; costs; committee's compensation.

[Approved April 4, 1859.]

Chapter 104.

An act relating to witnesses and evidence.

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

No respondent in a criminal prosecution or proceeding at law, for libel, nuisance, simple assault, simple assault and battery, or for the violation of any municipal or police ordinance, offering himself as a witness, shall be excluded from testifying, and all laws inconsistent herewith are repealed.

Respondent in criminal prosecutions may testify in certain cases.

[Approved April 4, 1859.]