

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

PASSED BY THE

FORTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1866.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1866.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1866.

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**Chapter 51.**

CHAP. 51.

An act in relation to the rule of damages in actions of tort.

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

Section nine, chapter one hundred twenty-seven of the revised statutes, are hereby amended by striking out all after the word "trespass," in the last line, and inserting the following words:—*for the amount of the injury so done and for further sum not exceeding in all, three times such amount as the jury shall judge reasonable under the circumstances of the case.*

Sec. 9, ch. 127, R. S., relating to malicious trespass, &c., amended.

Approved February 23, 1866.

**Chapter 52.**

An act additional to chapter sixty-one of the revised statutes and to the laws additional thereto, relating to married women.

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

The contracts of any married woman, made for any lawful purpose, shall be valid and binding, and may be enforced in the same manner as if she were sole; and her separate property shall be holden by attachment, or levy on execution, in any suit brought to enforce such contract, but she shall not be liable to arrest, on any writ in such suit, or on any execution issued on a judgment recovered in the same; *provided* that nothing in this act shall be so construed so as to affect any suit now pending.

Contracts made valid, and property liable for breach of same.

Exempted from arrest, and pending suits not affected hereby.

Approved February 23, 1866.

**Chapter 53.**

An act to amend chapter one hundred and two of the public laws of eighteen hundred fifty-nine, relative to the competency of witnesses.

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

Section one of chapter one hundred and two of the public laws of eighteen hundred fifty nine, is amended by inserting after the word "civil" in the first line the words *and criminal*, so that as amended it shall read as follows :

Amendment.

SECT. 1. In the trial of civil and criminal actions, the husband and wife of either party, shall be deemed competent witnesses,

Husband and wife, to be

**CHAP. 54.**

competent  
witnesses.

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

Approved February 23, 1866.

**Chapter 54.**

An act to increase the fees of jurors, deputy sheriffs, witnesses and county commissioners, selectmen and assessors.

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

Fees of jurors  
and deputy  
sheriffs to be  
\$2 per day.

Witnesses' fees  
to be \$1.50 per  
day.

County com-  
missioners  
\$2.50 per day.

Provisions  
hereof, not to  
apply to com-  
missioners of  
Cumberland co.

Per diem pay  
of selectmen  
and assessors  
to be \$1.50.

SECT. 1. The fees of grand and trial jurors attending court, or before a sheriff, on occasions prescribed by law, and of deputy sheriffs when ordered to attend the supreme judicial court, shall be two dollars per day for each days attendance ; the fees of witnesses attending in the supreme judicial court, shall be one dollar and fifty cents per day for each days attendance ; and the fees of each county commissioner shall be two dollars and fifty cents per day while actually employed in the service of the county, including the time necessarily spent in making drafts, or other labor, instead of the several sums now fixed by law for said fees ; *provided* that the provisions of this act shall not apply to the pay of the county commissioners of Cumberland county.

SECT. 2. And the daily pay of the selectmen and assessors shall be one dollar and fifty cents, instead of the sum now provided by statute.

Approved February 23, 1866.

**Chapter 55.**

An act to prevent the killing of fur bearing animals between the months of May and October.

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

Destruction of  
certain animals  
prohibited,  
and penalty  
therefor.

No person shall in any way destroy, between the first day of June and the fifteenth day of October of each year, any mink, beaver, sable, otter, fisher or muskrat, under penalty of ten dollars for each animal so destroyed, to be recovered on complaint ; one half of said penalty to go to the county where the offence is committed and one half to the prosecutor.

Approved February 23, 1866.