

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)

ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1891.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1891.

Chapter 63.

An Act to fix the compensation of the Sheriff of the County of Sagadahoc.

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

Salary of the
sheriff of
Sagadahoc
county, fixed.

SECT. 1. The sheriff of the county of Sagadahoc from and after the first day of January, one thousand eight hundred and ninety-one, shall receive an annual salary of three hundred dollars in quarterly payments on the first day of January, April, July and October instead of the compensation provided in section twenty-three of chapter eighty of the revised statutes, and it is further provided that the sheriff of said county shall not receive from any of his deputies, any of the fees earned by said deputies or any percentage thereon after said date.

SECT. 2. This act shall take effect when approved.

Approved March 13, 1891.

Chapter 64.

An Act authorizing Judges of courts of probate and courts of insolvency, to employ Stenographers at hearings and examinations in said courts.

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

Judge of court
of probate may
appoint
stenographer.

—duties.

SECT. 1. The judge of any court of probate or court of insolvency, may appoint a stenographer to report the proceedings at any hearing or examination where a contest is had in his court, whenever such judge deems it necessary or advisable. Such stenographer shall be sworn to a faithful discharge of his duty, and, under the direction of the judge, shall take full notes of all oral testimony at such hearing or examination, and also such other proceedings at such hearing or examination as the judge directs, and when required by the judge shall furnish for the files of the court a correct and legible long hand or type-written transcript of his notes of the oral testimony of any person testifying at such hearing or submitting to such examination, and in making said transcript the stenographer shall transcribe his said notes in full by questions and answers.

SECT. 2. When a transcript has been made as provided by section one of this act, it shall be read to the person whose testimony or examination it is, at a time and place to be appointed by the judge, unless such person or his counsel, in writing waives such reading, and if it is found to be correct or if it contains errors or mistakes, or alleged errors or mistakes, and such errors or mistakes are either corrected or the proceedings had in relation to the same as hereinafter provided, such transcript shall be signed by the person whose testimony or examination it is, in all cases where the person testifying or submitting to examination is required by law to sign his testimony or examination. When the reading of a transcript is waived as provided by this section, such transcript shall be deemed correct.

When transcript of testimony has been made, it shall be read to person testifying, and signed by such person, if found correct.

SECT. 3. Manifest errors or mistakes in any transcript, may be corrected, under the direction of the judge, according to the facts. But when an error or mistake is alleged by the party conducting the hearing or examination, or by his counsel, or by the person testifying or submitting to examination, or by his counsel, and said parties can not agree whether or not there is such an error or mistake as alleged, or what correction should be made, the judge shall decide whether or not such an error or mistake exists, and may allow or disallow a correction according as he may find the fact, but in such case the judge shall annex to the transcript a certificate signed by him stating the alleged error or mistake, and by whom alleged, and the correction allowed or disallowed. In case the said parties mutually agree that there is an error or mistake in the transcript, and in like manner agree what the correction should be, the transcript may be corrected according to such agreement, but such correction shall be stated and made in the presence of the judge. No changes or alterations shall be made in any transcript except in the presence of the judge, or the person appointed by the judge to take the examination.

Mistakes in transcript may be corrected under direction of judge.

SECT. 4. When an examination is taken before some person appointed by the judge to take it, the judge may also appoint a stenographer to attend such examination for the purposes mentioned in section one of this act, and the duties of such stenographer shall be the same as in examinations before the judge. The powers and duties of any person appointed by the judge to take an examination, shall be the same at such

When examination is before some person appointed by judge, he may also appoint a stenographer.

CHAP. 65

examination as those of the judge, and the same proceedings for the correction or alteration of transcripts may be had before such person as before the judge.

Transcripts shall be deemed original papers.

SECT. 5. All transcripts made and signed as herein provided, shall be deemed original papers.

Compensation of stenographers.

SECT. 6. Stenographers appointed under the provisions of this act, shall be allowed five dollars a day for their services in court, or at an examination, and travel at the rate of twelve cents per mile from place of residence to the place of holding the court or examination, and ten cents for every hundred words of transcript furnished for the files of the court, to be paid by the county in which the court or examination is held, after the stenographer's bill has been allowed by the judge of the court in which the services were rendered. But if any stenographer employed under the provisions of this act, neglects or refuses to perform any part of the duty required of him he shall receive no pay for his services, and also may be punished for contempt of court. In probate matters, the executor, administrator or guardian shall, in each case out of the estate in his hands, pay to the register for the county, the amount of said stenographer's fees, and in insolvent matters, the assignee shall pay the same to the register for the county before any claims are paid, other than those named in paragraph one of section forty of chapter seventy of the revised statutes.

—penalty for neglect.

—how fees shall be paid.

Stenographers shall furnish copies to any person calling for them.

SECT. 7. Stenographers employed under the provisions of this act, shall also furnish correct and legible long hand or type-written copies of their notes of the oral testimony taken at any hearing or examination, to any person calling for the same, upon payment of ten cents for every hundred words of the copy furnished.

Approved March 13, 1891.

Chapter 65.

An Act to apportion the State for Representatives to Congress.

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

Congressional apportionment.

SECT. 1. The counties of York and Cumberland, shall compose the first district, and be entitled to one representative. The counties of Oxford, Franklin, Androscoggin,