
FORTY-SEVENTH LEGISLATURE.

SENATE.

No. 19.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SIXTY-EIGHT.

AN ACT amendatory of chapter one hundred and seven
of the revised statutes relating to the taking of depositions.

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

Section twenty-nine of chapter one hundred and seven
2 of the revised statutes is hereby amended by striking
3 out the words "at the time and place of adjournment"
4 in the eleventh line thereof, and inserting the words
5 "and if at the time and place of the adjournment the
6 person so summoned shall not have been apprehended
7 under said *capias*, the magistrate may adjourn to an-
8 other day and from time to time until the service of
9 said *capias* shall be completed," and by adding at the

10 conclusion of said section the following words: "The
11 said *capias* may be served by the sheriff, deputy sher-
12 iff, or any constable of the county in which the person
13 so summoned shall reside ; and if such person so sum-
14 moned shall avoid said process and escape into another
15 county of the state, either of the said officers may
16 pursue him into such other county and there arrest
17 him and bring him before said magistrate"; so that
18 said section as amended shall read as follows :

19 "SECT. 29. When any magistrate, duly authorized,
20 has summoned a person to appear before him, to give
21 his deposition, to be used in any cause pending in any
22 court in this or any other state, or to perpetuate his
23 testimony, the summons has been served and returned
24 by a proper officer or other person, and proof thereof
25 is entered on the summons, legal fees have been ten-
26 tered him a reasonable time before the day appointed
27 for taking the deposition, and he refuses to attend, the
28 magistrate may adjourn the time of taking his deposi-
29 tion, and issue a *capias* directed to a proper officer, to
30 apprehend and bring him before him ; and if at the
31 time and place of the adjournment the person so sum-
32 moned shall not have been apprehended under said
33 *capias*, the magistrate may adjourn to another day and
34 from time to time until the service of said *capias* can

35 be completed ; and if on being brought before the
36 magistrate who is to take his deposition he refuses to
37 depose and answer such questions as are propounded
38 to him by either of the parties or persons interested,
39 under his direction, he may commit him to the prison
40 of the county for contempt, as the supreme judicial
41 court may commit a witness for refusing to testify.
42 The said capias may be served by the sheriff, deputy
43 sheriff, or any constable of the county in which the
44 person so summoned shall reside ; and if such person
45 so summoned shall avoid said process and escape into
46 another county of the state, either of the said officers
47 may pursue him into such other county and there arrest
48 him and bring him before said magistrate.”

STATE OF MAINE.

IN SENATE, February 13, 1868.

Reported by Mr. FARLEY, from the Committee on the Judiciary,
and printed under the Joint Rule.

. THOMAS P. CLEAVES, *Secretary.*