

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



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1892.

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# Sixty-Fifth Legislature.

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SENATE.

No. 156.

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## STATE OF MAINE.

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

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AN ACT authorizing judges of courts of probate and  
courts of insolvency, to employ stenographers at  
hearings and examinations in said courts.

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

SECTION 1. The judge of any court of probate  
2 or court of insolvency, may appoint a stenographer  
3 to report the proceedings at any hearing or exam-  
4 ination where a contest is had in his court when-  
5 ever such judge deems it necessary or advisable.  
6 Such stenographer shall be sworn to a faithful

7 discharge of his duty, and, under the direction of  
8 the judge, shall take full notes of all oral testimony  
9 at such hearing or examination, and also such other  
10 proceedings at such hearing or examination as the  
11 judge directs, and when required by the judge  
12 shall furnish for the files of the court a correct and  
13 legible longhand or type written transcript of his  
14 notes of the oral testimony of any person testi-  
15 fying at such hearing or submitting to such exam-  
16 ination, and in making said transcript the stenog-  
17 rapher shall transcribe his said notes in full by  
18 questions and answers.

SECT. 2. When a transcript has been made as  
2 provided by section one of this act, it shall be read  
3 to the person whose testimony or examination it is,  
4 at a time and place to be appointed by the judge,  
5 unless such person, or his counsel, in writing  
6 waives such reading, and if it is found to be cor-  
7 rect, or if it contains errors or mistakes, or alleged  
8 errors or mistakes, and such errors or mistakes are  
9 either corrected or the proceedings had in relation  
10 to the same as hereinafter provided, such tran-  
11 script shall be signed by the person whose testi-  
12 mony or examination it is, in all cases where the  
13 person testifying or submitting to examination  
14 is required by law to sign his testimony or

15 examination. When the reading of a transcript  
16 is waived, as provided by this section, such tran-  
17 script shall be deemed correct.

SECT. 3. Manifest errors or mistakes in any  
2 transcript, may be corrected, under the direction of  
3 the judge, according to the facts. But when an  
4 error or mistake is alleged by the party conducting  
5 the hearing or examination, or by his counsel, or  
6 by the person testifying or submitting to examina-  
7 tion, or by his counsel, and said parties cannot  
8 agree whether or not there is such an error or mis-  
9 take as alleged, or what correction should be  
10 made, the judge shall decide whether or not such  
11 an error or mistake exists, and may allow or dis-  
12 allow a correction, according as he may find the  
13 fact; but in such case the judge shall annex to the  
14 transcript a certificate signed by him, stating the  
15 alleged error or mistake, and by whom alleged,  
16 and the correction allowed or disallowed. In case  
17 the said parties mutually agree that there is an  
18 error or mistake in the transcript, and in like man-  
19 ner agree what the correction should be, the tran-  
20 script may be corrected according to such agree-  
21 ment; but such correction shall be stated and  
22 made in the presence of the judge. No changes  
23 or alterations shall be made in any transcript,

24 except in the presence of the judge or the person  
25 appointed by the judge to take the examination.

SECT. 4. When an examination is taken before  
2 some person appointed by the judge to take it, the  
3 judge may also appoint a stenographer to attend  
4 such examination for the purposes mentioned in  
5 section one of this act, and the duties of such  
6 stenographer shall be the same as in examinations  
7 before the judge. The powers and duties of any  
8 person appointed by the judge to take an examina-  
9 tion shall be the same, at such examination, as  
10 those of the judge, and the same proceedings for  
11 the correction or alteration of transcripts may be  
12 had before such person as before the judge.

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

SECT. 6. Stenographers appointed under the  
2 provisions of this act, shall be allowed five dollars  
3 a day for their services in court, or at an examina-  
4 tion, and travel at the rate of twelve cents per mile  
5 from place of residence to the place of holding the  
6 court, or examination, and ten cents for every  
7 hundred words of transcript furnished for the files  
8 of the court, to be paid by the county in which the  
9 court, or examination, is held, after the stenog-  
10 rapher's bill has been allowed by the judge of the

11 court in which the services were rendered. But if  
12 any stenographer employed under the provisions  
13 of this act, neglects or refuses to perform any part  
14 of the duty required of him he shall receive no pay  
15 for his services, and also may be punished for  
16 contempt of court. In probate matters, the exc-  
17 utor, administrator, or guardian shall, in each case  
18 out of the estate in his hands, pay to the register  
19 for the county the amount of said stenographer's  
20 fees and in insolvent matters the assignee shall pay  
21 the same to the register for the county before any  
22 claims are paid other than those named in para-  
23 graph one of section forty of chapter seventy of  
24 the Revised Statutes.

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

STATE OF MAINE.

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IN SENATE. March 5, 1891.

Reported by Mr. POWERS, from Committee on Judiciary, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*