

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1868.

CHAP. 196.

cretion, order like notice upon any such copy or abstract of inventory. And the record of any such inventory, or abstract of inventory, when verified, and certified copies thereof, shall be prima facie evidence in any court.

Sects. 3, 4 and 6 public laws 1867, chap. 128, amended.

SECT. 2. The third section of said act shall be amended, by striking out from the first line the words "of the record." The fourth section shall be amended, by striking out from the third line the words "of record." The sixth section shall be amended, by striking out from the last sentence but one of the same, the words "or that such statement be established as the substance of the will"; and from the last sentence the words "or of the substance of the same."

SECT. 3. This act shall take effect when approved.

Approved March 3, 1868.

Chapter 196.

An act increasing the amount of money which towns shall raise for the support of schools.

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

Cities, towns and plantations to raise for school purposes not less than \$1 per inhabitant exclusive of income from all other sources.

SECT. 1. Every city, town and plantation shall raise and expend, annually, for the support of schools therein, a sum of money, exclusive of the income of any corporate school fund, or of any grant from the revenue or funds from the state, or of any voluntary donation, devise or bequest, or of any forfeiture accruing to the use of schools, not less than one dollar for each inhabitant, according to the census of the state, by which representatives to the legislature were last apportioned.

SECT. 2. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 3. This act shall take effect when approved.

Approved March 3, 1868.

Chapter 197.

An act relating to evidence.

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

Executor or administrator may testify for either party in suit when disinterested.

SECT. 1. In the trial of any action where the executor or administrator of a person deceased is a party, the adverse party if nominal merely, and he has no interest in the subject matter of the suit, and had parted with his interest during the lifetime of such deceased

person, shall not be excluded from testifying as a witness if called by either party; *provided* that nothing in this act shall apply to or affect any actions pending at its passage.

CHAP. 198.
Proviso.

SECT. 2 This act shall take effect when approved.

Approved March 4, 1868.

Chapter 198.

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:

SECT. 1. Section twenty-nine of chapter one hundred and seven of the revised statutes, is hereby amended by striking out the words "at the time and place of adjournment," in the eleventh line thereof, and inserting the words 'and if at the time and place of the adjournment, the person so summoned shall not have been apprehended under said *capias*, the magistrate may adjourn to another day, and from time to time, until the service of said *capias* can be completed'; and by adding at the conclusion of said section the following words: 'the said *capias* may be served by the sheriff, deputy sheriff, or any constable of the county in which the person so summoned shall reside, and if such person so summoned shall avoid said process and escape into another county of the state, either of the said officers may pursue him into such other county, and there arrest him and bring him before said magistrate'; so that said section, as amended, shall read as follows:

R. S., chap.
107, sect. 29,
amended.

SECT. 29. When any magistrate; duly authorized, has summoned a person to appear before him, to give his deposition, to be used in any cause pending in any court in this or any other state, or to perpetuate his testimony; the summons has been served and returned, by a proper officer or other person, and proof thereof is entered on the summons; legal fees have been tendered him a reasonable time before the day appointed for taking the deposition, and he refuses to attend, the magistrate may adjourn the time of taking his deposition, and issue a *capias* directed to a proper officer, to apprehend and bring him before him, and if, at the time and place of the adjournment, the person so summoned shall not have been apprehended under said *capias*, the magistrate may adjourn to another day, and from time to time, until the service of said *capias* can be completed; and if, on being brought before the magistrate who is to take his deposition, he refuses to depose and answer such questions as are propounded

Proceedings to
compel a depo-
nent to appear.