

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

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:

OWEN & NASH, PRINTERS TO THE STATE.

1868.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1868.

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.

CHAP. 199. 'to him by either of the parties or persons interested, under his
'direction, he may commit him to the prison of the county, for
'contempt, as the supreme judicial court may commit a witness
'for refusing to testify. 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 sum-
'moned 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 mag-
'istrate.'

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

Approved March 4, 1868.

Chapter 199.

An act to amend section one hundred and forty-six of chapter six of the revised statutes, relating to the recovery of money paid for taxes upon land of non-resident owners, where the requirements of the law have not been complied with.

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

R. S., chap.
6, sect. 146,
amended.

Owner of real
estate may
recover tax
paid if not law-
fully assessed.

SECT. 1. Section one hundred and forty-six of chapter six of the revised statutes is hereby amended by striking out all after the word "that," in the fifth line, to the word "he," in the seventh line, and substituting the words 'the money raised was for an un-
'lawful purpose,' and by striking out all after the word "paid," in the eighth line, to the word "if," in the twelfth line, so that said section as amended shall read as follows:—'Any owner of the
'real estate so taxed having paid the taxes, charges and interest as
'aforesaid, may at any time within one year after making such pay-
'ment, commence a suit against the town to recover the amount paid,
'and if on trial it appears that the money raised was for an unlaw-
'ful purpose, he shall have judgment for the amount so paid. If
'not commenced within the year, the claim shall be forever barred.
'The suit may be in the supreme judicial court, and the plaintiff
'recovering judgment therein shall have full costs, although the
'amount of damages be less than twenty dollars.'

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

Approved March 4, 1868.