

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1859.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

THIRTY-EIGHTH LEGISLATURE.

HOUSE.]

[No. 4.

STATE OF MAINE.

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

AN ACT to amend Chapter one hundred and seven of
the Revised Statutes, relating to depositions.

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

SECTION 1. The eleventh section of chapter one
2 hundred and seven of the revised statutes is amended
3 so as to read, as follows:

4 SECT. 11. A witness may be compelled to attend
5 and give his deposition in the same manner and under
6 the same penalties as a witness is compelled to attend
7 and testify in court, and may be required to produce
8 for the inspection of the magistrate and parties, all
9 books, papers and documents, which he might be
10 compelled to produce in court at the trial of the

11 cause in which the deposition is taken, and with like
12 effect; and extracts or copies therefrom may be
13 taken and annexed to his deposition, which may be
14 used in evidence as the originals might be; but no
15 one shall be obliged to travel more than thirty miles
16 to give his deposition; nor shall a deposition be used
17 in any trial except for causes mentioned in the fourth
18 section, unless the adverse party uses the witness in
19 such trial.

SECT. 2. The twenty-ninth section of said chapter
2 is amended so as to read, as follows:

3 SECT. 29. When any magistrate, duly authorized,
4 has summoned a person to appear before him to give
5 his deposition to be used in any cause pending in any
6 court in this or any other State, or to perpetuate his
7 testimony; the summons has been served and returned
8 by the proper officer or other person, and proof thereof
9 is entered on the summons; legal fees have been ten-
10 dered him a reasonable time before the day appointed
11 for taking the deposition; and he refuses to attend,
12 the magistrate may adjourn the time of taking his
13 deposition, and issue a *capias*, directed to a proper
14 officer, to apprehend and bring him before him at the
15 time and place of the adjournment, and if on coming
16 or being brought before the magistrate who is to take
17 his deposition, he refuses to depose and answer such

18 questions as are propounded to him by either of the
19 parties or persons interested, under the direction of
20 the magistrate; or to produce the books, papers and
21 documents as required in the eleventh section, he
22 may commit him to the prison of the county for con-
23 tempt, as the supreme judicial court may commit a
24 witness for refusing to testify.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, Feb. 11, 1859.

Read three times, and on motion of Mr. BENJAMIN of Winthrop, laid on the table, and 350 copies of bill and amendment ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*