

**Revised Statutes of 1846 (EXCERPT)**  
**REMOVALS FROM OFFICE.**

**201.10 Testimony; transcript, summary transmitted to governor and accused; fees.**

Sec. 10. At the time and place there specified in the notice, the commissioner or judge of probate, before whom such inquiry shall be conducted, shall proceed to take the testimony of the witnesses produced before him by the attorney general or prosecuting attorney and by the officer accused, which witnesses shall be sworn by such commissioner or judge of probate and every answer given by them to any question, which either party shall require to be reduced to writing, shall be taken stenographically or in writing under the direction of such commissioner or judge of probate, and such testimony shall be certified by the commissioner or judge of probate, taking the same to be a correct transcript of all of the testimony so taken in said hearing. The commissioner or judge of probate shall observe the rules of evidence as are followed in chancery cases and shall have authority to rule on questions of procedural law. He may authorize the taking of depositions in the same manner as is provided for civil cases. Such testimony so taken and certified shall be delivered by said commissioner or judge of probate to such prosecuting attorney or attorney general, who shall transmit the same with a summary of such testimony to the governor, and the fees of the commissioner or other officer for the performance of such services shall be a charge against the county. If requested by the accused officer prior to the close of taking testimony, a copy of the summary shall be transmitted to him at the same time it is transmitted to the governor. The accused officer shall then be permitted to examine the transcript of testimony furnished to the governor and to prepare his own summary thereof and deliver it to the governor, with a copy to the prosecuting attorney or attorney general, not later than 15 days after the original summary was transmitted to the governor.

**History:** R.S. 1846, Ch. 15;—Am. 1853, Act 19, Imd. Eff. Jan. 29, 1853;—CL 1857, 482;—Am. 1871, Act 63, Eff. July 18, 1871;—CL 1871, 624;—Am. 1879, Act 243, Eff. Aug. 30, 1879;—Am. 1883, Act 27, Eff. Sept. 8, 1883;—How. 657;—CL 1897, 1163;—CL 1915, 249;—Am. 1923, Act 8, Eff. Aug. 30, 1923;—CL 1929, 3357;—CL 1948, 201.10;—Am. 1960, Act 145, Eff. Aug. 17, 1960.

**Compiler's note:** This section as originally enacted was numbered section 11.