

CHAPTER 596

SUBPOENAS

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 596.01 Issuance
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NOTE: For rules of civil procedure, district court, see Appendix 8.

596.01 ISSUANCE. Every clerk of a court of record, and every justice of the peace, may issue subpoenas for witnesses in all civil cases pending before the court or justice, or before any magistrate, arbitrator, board, committee, or other person authorized to examine witnesses and in all contests concerning lands before the register and receiver of any land office in this state.

[R L s 4655] (9809)

NOTE: See Rules of Civil Procedure, Rules 45.05, 86.01 and 86.02.

596.02 SERVICE. Such subpoena may be served by any person, by exhibiting and reading it to the witness, or by giving him a copy thereof, or by leaving such copy with a person of suitable age and discretion at the place of his abode.

[R L s 4656] (9810)

NOTE: See Rules of Civil Procedure, Rules 45.03, 86.01 and 86.02.

596.03 FAILURE TO ATTEND; DAMAGES. If any person duly subpoenaed to attend as a witness fails to do so, without reasonable excuse, he shall be liable to the aggrieved party, in a civil action, for all damages occasioned by such failure.

[R L s 4657] (9811)

596.04 CONTEMPT; PENALTY. Such failure to attend as a witness is a contempt of court and, if the subpoena issues out of a court of record, may be punished by a fine not exceeding \$250 or by imprisonment in jail not exceeding six months or both.

[R L s 4658] (9812)

NOTE: See Rules of Civil Procedure, Rules 45.06, 86.01 and 86.02.

596.05 ATTACHMENT OF WITNESS. The court in such case may issue an attachment to bring such witness before it to answer for the contempt, and also to testify as a witness in the action or proceeding in which he was subpoenaed.

[R L s 4659] (9813)