

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
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CHAP. 106.**CHAPTER 106.**

THE SELECTION AND SERVICE OF JURORS.

LISTS OF JURORS, HOW AND WHEN PREPARED.

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LIST OF JURORS, HOW AND WHEN PREPARED.

Board for preparing lists of jurors. Alteration by town. R. S. c. 106, § 1.

SEC. 1. The municipal officers, treasurer and clerk of each town, constitute a board for preparing lists of jurors to be laid before the town for their approval ; and the town, in legal town meeting, by a majority of the legal voters assembled, may strike out such names as they think proper from such lists, but shall not insert any other names.

How and when the lists are to be prepared. Endorsement on old tickets transferred to new. R. S. c. 106, §§ 2, 15.

SEC. 2. Such board, at least once in every three years, shall prepare a list of such persons, of good moral character, and qualified as the constitution directs, to vote for representatives, under the age of seventy years, in such town, as they judge best qualified to serve as jurors. When a new list is made the municipal officers shall trans-

fer from the old tickets to the new of the same persons the minutes of the draft made within the three preceding years. CHAP. 106.

SEC. 3. The following persons shall be exempted from serving as jurors, and their names shall not be placed on the lists: the governor, councilors, judges and clerks of the common law courts, secretary and treasurer of the state, all officers of the United States, judges and registers of probate, registers of deeds, settled ministers of the gospel, officers of colleges, preceptors of incorporated academies, physicians and surgeons, cashiers of incorporated banks, sheriffs and their deputies, coroners, counselors and attorneys at law, county commissioners, constables, and constant ferrymen.

Persons exempted from serving.
R. S. c. 106, § 3.
26 Me. 360.

SEC. 4. After the list of jurors is approved by the town, the board shall write their names upon tickets, and place them in the jury box, to be kept by the town clerk; and the persons whose names are in the box shall be liable to be drawn and to serve on any jury, at any court for which they are drawn, once in every three years and not oftener, except as herein provided.

Tickets of names to be kept in jury box, liable to be drawn once in three years.
R. S. c. 106, § 4.

SEC. 5. Each town shall provide, and constantly keep in the box, a number of names ready to be drawn when required, not less than one nor more than two for every hundred persons in the town, according to the census taken next before preparing the box; and the board shall withdraw from it the name of any person convicted of any scandalous crime, or guilty of any gross immorality.

Number required to be kept in jury box, but names may be withdrawn.
R. S. c. 106, § 5.

SEC. 6. Within one year after every new census, and oftener if a considerable change of population renders it proper, the county commissioners shall divide their county into not less than four, nor more than twelve districts numerically designated; and they shall place as many adjoining towns in each district, as will make the number of inhabitants in each, according to the last census, as nearly equal as may be, without dividing a town; and shall deliver a copy of such division immediately to the clerk of the courts in their county.

Commissioners to divide the county into jury districts, and give copy of division to clerk of court.
R. S. c. 106, § 6.

SEC. 7. The grand and traverse jurors shall be drawn from each jury district in such manner as to cause jurors, at each term of the court, to come from every part of the county as equally as may be, and as far as practicable, from every town in rotation, having regard to the number of its inhabitants, taking not more than two grand jurors and two traverse jurors from the same town at the same time, unless from necessity, or some extraordinary cause, or to equalize the service; and the clerk of the courts shall issue venires to the constables accordingly.

Rule by which the clerk shall issue venires.
R. S. c. 106, § 7,
38 Me. 200.

ISSUE AND SERVICE OF VENIRES.

SEC. 8. Venires for grand jurors to serve at the Supreme Judicial Court, shall be issued forty days at least, before the second Monday of September annually; and they shall serve at each term, for the transaction of criminal business during the year. Venires for

When venires for grand jurors to issue. Grand jurors to serve a year. When venires for traverse

CHAP. 106. traverse jurors, shall be seasonably issued before each term of the court, and at such other times, as the court orders.

R. S. c. 81,
§§ 23, 24.
R. S. c. 106, § 8.
Distribution of
venires and
notice of meet-
ings to draw
jurors.
R. S. c. 106,
§ 10.
1861, c. 7.

SEC. 9. The sheriff on receiving such venires, shall immediately send them to the constables of the towns where directed; and each constable, on receipt thereof, shall notify the inhabitants of the town, qualified to vote for representatives, and especially the municipal officers and town clerk, by posting notices in two public and conspicuous places therein, at least four days before such meeting, to assemble and be present at the draft of jurors called for, which shall be six days at least, before the time when the jurors are ordered to attend court.

Grand jurors
irregularly
drawn or
incompetent,
discharged,
and when
number is
reduced, how
new ones
drawn to serve
year out.
1860, c. 179.
1861, c. 6,
§§ 1, 2, 3.

SEC. 10. When any judge of the court in term time or vacation, is satisfied that any persons returned or acting on grand jury, are irregularly drawn, or are otherwise incompetent to act thereon, he shall discharge them, send a certificate stating their names, to the clerk of court for such county, which shall be recorded by him, and ordering him to issue venires for the number of new jurors, the judge deems necessary. The clerk shall issue venires as directed, which shall be served four days at least before the time such jurors are ordered to attend court, and the jurors thus drawn shall serve, with those not discharged, the remainder of the year. When the number of grand jurors is reduced by death or otherwise, such judge shall direct venires to be issued and served as aforesaid, for the additional number he deems necessary to serve for the remainder of the year.

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DRAFT OF JURORS AND WHEN THEY ARE TO ATTEND.

Mode of draw-
ing jurors, &c.
R. S. c. 106,
§ 11.

SEC. 11. The town clerk, or, in his absence, one of the municipal officers, shall carry the jury box into the meeting, which shall there be unlocked, and the tickets mixed by a majority of said officers present; and one of them shall draw out as many tickets as there are jurors required; and the persons whose names are drawn shall be returned as jurors, unless they have served on the jury within three years, or from sickness, absence beyond sea, without the limits, or in distant parts of the state, they are considered by the town unable to attend.

Same subject.
R. S. c. 106,
§ 12.

SEC. 12. In either of said cases, or if a person is drawn who has been appointed to an office exempting him from serving, others shall be drawn in their stead; but any person thus excused, or returned and attending court, and there excused, shall not be excused on another draft, though within three years; and when all the persons, whose names are in the box, have served within three years, or are not liable to serve, the selectmen shall draw out the required number of those who have not served for eighteen months; and the clerk shall certify on the venire, that all persons whose names are in the box have served within three years, or are not liable to serve.

SEC. 13. When a juror is drawn and not excused by the town, the municipal officers who drew his ticket shall indorse thereon the date of the draft and return it into the box. CHAP. 106.
Date of draft to be indorsed on the ticket.
R. S. c. 106, § 13.

SEC. 14. The constables shall notify the persons thus drawn four days at least before the sitting of the court, by reading the venire and indorsement thereon to them, or leaving at their usual place of abode a written notice that they have been drawn, and of the time and place of the sitting of the court where they are to attend; and make a seasonable return of the venire with his doings thereon. Constables to notify jurors and return venires.
R. S. c. 106, § 14.
5 Me. 333.

SEC. 15. The grand and traverse jurors shall attend on the first day of the term for which they are drawn and summoned, unless the court designates a different day; and if so, the venire shall specify such day. Jurors to attend first day of term, or when ordered.
R. S. c. 106, § 9.

PENALTIES.

SEC. 16. If the municipal officers or town clerk neglect to perform their duties herein required, so that the jurors called for from their town are not returned, they shall be fined not less than ten, nor more than fifty dollars each. Penalty for neglect of municipal officers and clerk.
R. S. c. 106, § 16.

SEC. 17. Any constable, neglecting to perform his duties herein required, shall be fined not exceeding twenty dollars; and any town for a like neglect of its duties shall be fined not exceeding one hundred dollars. Penalty for neglect of constable or town.
R. S. c. 106, § 17.

SEC. 18. If the clerk of the court, or sheriff, neglects to perform his duties so as to prevent a compliance with any of the provisions of this chapter, he shall be fined not exceeding fifty dollars. Penalty for neglect of clerk or sheriff.
R. S. c. 106, § 18.

SEC. 19. Any juror, who, after being notified and returned, unnecessarily fails in his attendance, shall be fined as for contempt, not exceeding twenty dollars, unless he resides in Portland, and then not exceeding forty dollars. Penalty for neglect of juror to attend.
R. S. c. 106, § 19.

SEC. 20. Any town clerk or municipal officer, who commits a fraud on the box previous to the draft, in drawing a juror or in returning a name into the box, which had been fairly drawn and drawing another in its stead, or in any other mode, shall be fined not exceeding two hundred dollars, half to the use of the state and half to the prosecutor. Penalty for fraud of town officers.
R. S. c. 106, § 20.

SEC. 21. All fines imposed by sections sixteen, seventeen, eighteen and nineteen, shall be recovered by indictment, information, or action by the county treasurer to the use of the county where the offence is committed. Recovery and appropriation of fines.
R. S. c. 106, § 21.