

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 529

STATE OF MAINE.

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

AN ACT to amend Section eighty-eight of Chapter eighty-four
of the Revised Statutes relating to empanelling of traverse
jurors.

Be it enacted by the People of the State of Maine, as follows:

Section I. Section eighty-eight of Chapter eighty-four of
2 the Revised Statutes is hereby amended by striking out all
3 of the first part of said section ending with the word "jury"
4 in the ninth line, and inserting in lieu thereof the following:
5 "When venires for jurors are returned to court, the clerk
6 shall, at the commencement of each term, prepare an alpha-
7 betical list of the names of the several persons returned as
8 traverse jurors; and before they are empaneled, the court
9 shall cause it to be ascertained whether all so returned are
10 present, and those desiring to be excused shall make appli-

11 cation therefor when his name is called, and thereupon be
12 heard on said application. The clerk shall then place sep-
13 arately upon tickets in a box, the names of all jurors legally
14 summoned and in attendance, and not excused, and the
15 names shall be drawn from the box by the clerk, after hav-
16 ing been thoroughly mixed, one at a time, and the first
17 twelve persons whose names are drawn from the box shall
18 compose the first jury, and shall be empaneled by the first
19 two being sworn, and then the other ten in succession as they
20 were drawn, and in such divisions as the court directs, or
21 all at the same time; and the next twelve so drawn shall be
22 empaneled and sworn in like manner, and shall compose the
23 second jury," so that said section, when so amended, shall
24 read as follows:

‘Section 88. When venires for jurors are returned to court
26 the clerk shall, at the commencement of each term, prepare
27 an alphabetical list of the names of the several persons re-
28 turned as traverse jurors; and before they are empaneled,
29 the court shall cause it to be ascertained whether all so re-
30 turned are present, and those desiring to be excused shall
31 make application therefor when his name is called, and
32 thereupon be heard on said application. The clerk shall
33 then place separately upon tickets in a box, the names of
34 all jurors legally summoned and in attendance, and not ex-
35 cused, and the names shall be drawn from the box by the
36 clerk, after having been thoroughly mixed, one at a time,
37 and the first twelve persons whose names are drawn from

38 the box shall compose the first jury, and shall be empaneled
39 by the first two being sworn, and then the other ten in suc-
40 cession as they were drawn, and in such divisions as the
41 court directs, or all at the same time; and the next twelve
42 so drawn shall be empaneled and sworn in like manner, and
43 shall compose the second jury; but before proceeding to the
44 trial of any civil or criminal case, other than for an offense
45 punishable by imprisonment for life, the clerk may, under
46 direction of court, at the request of either party, place the
47 names of all jurors legally summoned and in attendance, and
48 not engaged in the trial of any other cause, separately upon
49 tickets in a box, and the names shall be drawn from the box
50 by the clerk, after having been thoroughly mixed, one at a
51 time, for the purpose of constituting a jury; and each party
52 may peremptorily challenge four jurors; but in such case
53 all peremptory or other challenges and objections to a juror
54 drawn, if then known, shall be made and determined, and the
55 juror sworn or set aside, before another name is drawn,
56 and so on until the panel is completed. A new jury shall
57 be thus drawn for the trial of each cause; and after the panel
58 is thus completed, the presiding justice shall appoint a fore-
59 man for the trial of the case.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 10, 1909.

Reported by Mr. MARSHALL, from Committee on Legal Affairs and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*