

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 26, 1840, and March 16, 1842.

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AUGUSTA:  
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.  
1870.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1870.

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*Fourth*—He shall, within the year for which he is chosen, perform all the duties required of him by law, and if he refuses or neglects so to do, as far as practicable, the municipal officers on complaint of any inhabitant of the district, and after due notice and investigation, may appoint a special agent to discharge such duties, who shall be duly sworn, have all the powers and perform all the duties of school agent for the district.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved.

Approved March 22, 1870.

CHAP. 160.

relating to duties of agents, amended.

Inconsistent acts repealed.

### Chapter 160.

An act amendatory of "an act to amend chapter two hundred and twenty-four of the laws of eighteen hundred and fifty-six, relating to the charter of the State Agricultural Society," approved March first, eighteen hundred and seventy.

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

SECT. 1. Section two of "an act relating to the charter of the State Agricultural Society," approved March first, eighteen hundred and seventy, is hereby amended, so as to read as follows:

'Sect. 2. At each annual meeting of said society it shall elect by ballot a president, secretary, treasurer, trustees and other necessary officers.'

SECT. 2. This act shall take effect when approved.

Approved March 22, 1870.

Public laws, 1870, chap. 106, relating to State Agricultural Society, amended.

Officers.

### Chapter 161.

An act relative to the selection and empaneling of juries for the trial of civil causes and criminal cases other than capital.

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

SECT. 1. A jury for the trial of each civil cause and of every criminal case other than capital, shall be empaneled in the manner hereinafter provided, and all acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 2. When any such civil or criminal case is in order for trial, and before proceeding to its trial, the clerk, under the direction of the court, may, at the request of either party, place the names of all jurors who are legally summoned and in attendance, and not engaged in the trial of any other cause, separately upon

Empaneling of juries.

Proceedings in civil and criminal cases except capital.

## CHAP. 162.

Right to challenge.

tickets in a box, and the names shall be drawn from the box by the clerk, after having been thoroughly mixed, one at a time, for the purpose of constituting a jury; and each party shall have a right peremptorily to challenge two jurors; but all peremptory or other challenges and objections to a juror drawn, if then known, shall be made and determined and the juror sworn or set aside before another name is drawn, and so on until the panel is completed. A new jury shall be thus drawn for the trial of each and every cause; and after the panel is thus completed the presiding justice shall appoint one of their number to be foreman for the trial of the case to be tried by that jury.

Act to take effect May 1, 1870.

SECT. 3. This act shall take effect on and after the first day of May, in the year of our Lord one thousand eight hundred and seventy.

Approved March 22, 1870.

### Chapter 162.

An act additional to "an act respecting actions against executors and administrators," approved February third, eighteen hundred and sixty-nine.

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

Public laws 1869, chap. 9, relating to actions against executors and administrators, limited.

SECT. 1. The act entitled "an act additional to chapter eighty-seven of the revised statutes," approved February third, eighteen hundred and sixty-nine, is hereby amended, by adding thereto the following words, to wit: 'This act shall not apply to any case where the executor or administrator resides out of this state at the time of the bringing of the action.'

SECT. 2. This act shall take effect when approved.

Approved March 22, 1870.

### Chapter 163.

An act relating to injunctions.

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

Second arrest for contempt of court not ballable.

SECT. 1. Whenever a judge of the supreme judicial court shall order a writ of attachment to be issued against any person for contempt in refusing or neglecting to obey any decree, decision or order of said court or of any member thereof, returnable to the next term, and such person has been arrested and given bail