

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP.106.

CHAPTER 106.

THE SELECTION AND SERVICE OF JURORS.

LIST OF JURORS, HOW AND WHEN TO BE PREPARED.

- SEC. 1. Board for preparing list of jurors; town may make alterations.
2. How and when the lists shall be prepared. Indorsements on old tickets shall be transferred to new.
3. Persons exempted from serving.
4. Tickets of names shall be kept in jury box; liable to be drawn once in three years.
5. What number of names must be kept in a jury box; names may be withdrawn for scandalous crime, or gross immorality.
6. Commissioners shall divide the county into jury districts, and furnish copy of division to clerk; how to be divided and numbered.
7. Rule, by which the clerk shall issue venire.

ISSUE AND SERVICE OF VENIRES.

- SEC. 8. When venires for grand jurors shall issue. Grand jurors shall serve for a year. When venires for traverse jurors shall issue.
9. Distribution of venires, and notice of meetings to draw jurors.
10. Grand jurors irregularly drawn or incompetent, shall be discharged by court, and when number is reduced, how new ones shall be drawn to serve out the year.

DRAFT OF JURORS, AND WHEN THEY SHALL ATTEND.

- SECS. 11, 12. Mode of drawing jurors.
13. Date of draft shall be indorsed on the ticket.
14. Constable shall notify jurors and return venires.
15. Jurors shall attend on the first day of the term, or when ordered.

PENALTIES.

- SEC. 16. For neglect of municipal officers and clerk.
17. For neglect of constable or town.
18. For neglect of clerk of court or sheriff.
19. For neglect of juror to attend.
20. For fraud by town officers.
21. Recovery and appropriation of fines.

LIST OF JURORS, HOW AND WHEN TO BE PREPARED.

Board for preparing lists of jurors. R.S., c. 106, § 1. —town may strike out, but cannot insert.

Lists of persons qualified to serve as jurors, how to be prepared. 1878, c. 4.

—indorsement on old tickets shall be transferred to new.

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 voters assembled, may strike out such names as they think proper from such lists, but shall not insert any others.

SEC. 2. Such board, at least once in every three years, shall prepare a list of persons, under the age of seventy years, qualified to serve as jurors; and in preparing such list they shall take the names of such persons only as are of good moral character, of approved integrity, of sound judgment and well informed, and qualified as the constitution directs to vote for representatives in such town. When a new list is made, the municipal officers shall transfer from the old to the new tickets of the same persons, the minutes of the draft made within the three preceding years.

SEC. 3. The following persons are exempt from serving as jurors, and their names shall not be placed on the lists: the governor, councillors, 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, counsellors and attorneys at law, county commissioners, constables, and constant ferrymen.

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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 are 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 shall
be kept in
the 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.

What number
shall be
kept in jury
box; for
what causes,
names may
be with-
drawn.
R.S., c. 106, § 5.
64 Me., 549.

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.

Commission-
ers shall
divide the
county into
jury districts,
and give copy
of division
to clerk of
court.
R.S., c. 106, § 6.
65 Me., 161.

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 so 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., 201.
65 Me., 161.
67 Me., 332.

ISSUE AND SERVICE OF VENIRES.

SEC. 8. Venires for grand jurors to serve at the supreme judicial and superior courts, 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 traverse jurors, shall be seasonably issued before each term of the court, and at such other times, as the court orders.

Venires for
grand jurors,
when to issue.
R.S., c. 106, § 8.
66 Me., 148.
67 Me., 332.
—venires for
traverse
jurors.

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 voters of the town, and especially the

Distribution
of venires,
and notice of
meetings to
draw jurors.

CHAP. 106. 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 they are ordered to attend court.

Grand jurors irregularly drawn or incompetent, shall be discharged by the court, and when the number is reduced, how new ones shall be drawn to serve out the year.
R. S., c. 106, § 10.

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

DRAFT OF JURORS, AND WHEN THEY SHALL ATTEND.

Mode of drawing jurors.
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, and it shall there be unlocked, and the tickets mixed by a majority of said officers present; 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, or absence beyond sea, or without the limits, or in distant parts of the state, they are considered by the town unable to attend.

The 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, although 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.

Date of draft to be indorsed on ticket.
R. S., c. 106, § 13.

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.

Constable shall notify jurors, and return venires.
R. S., c. 106, § 14.
5 Me., 335.

SEC. 14. A constable 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 must attend; and shall make a seasonable return of the venire with his doings thereon.

Jurors shall attend on the

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.

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first day of term, or when ordered.
R. S., c. 106, § 15.

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 town 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 of 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. (a)

Neglect of clerk or of 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.

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, which had been fairly drawn, into the box, and drawing another in its stead, or in any other mode, shall be fined not exceeding two hundred dollars, half to the State and half to the prosecutor.

Penalty for fraud by town officers.
R. S., c. 106, § 20.

SEC. 21. 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.

CHAPTER 107.

DEPOSITIONS.

DEPOSITIONS IN GENERAL.

- SEC. 1. In what cases, depositions may be used.
2. Before whom they may be taken.
3. When a case is deemed pending, for the purpose of taking depositions.
4. Reasons for which they may be taken and used.
5. On application of a party, a justice or notary may issue a summons to deponent; the deposition of adverse party, may be taken by commissioner.
6. Service of such notice, how to be made.
7. Who is to be considered attorney of the adverse party.
8. Notice to one of the adverse parties is sufficient; time of notice; verbal notice by the justice or notary; due notice shall be given, when a deposition is taken out of the state.
9. Form of notice to adverse party.

(a) 67 Me., 335.