

THE  
MAINE TOWNSMAN,  
OR  
LAWS FOR THE REGULATION OF TOWNS:  
WITH  
FORMS AND JUDICIAL DECISIONS,  
ADAPTED TO THE  
REVISED STATUTES OF MAINE.

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## TITLE IX.

### DUTIES REQUIRED OF TOWN OFFICERS.

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### CHAPTER XCVIII.

#### JURORS.

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1. The selectmen of each town, together with the clerk and treasurer of each town, shall constitute a board for preparing lists of jurors to be laid before such town, for their approval; and the said town shall have power, by a majority of the legal voters in legal town meeting assembled, to make alterations in such lists, by striking out such names therefrom, as they may think proper to erase; but shall not

be allowed to insert any other names therein. R. S. c. 135. § 1.

2. Such board shall, once at least in every three years, prepare a list of such persons, under the age of seventy years, in such town, as they shall judge best qualified to serve as jurors, being persons of good moral character, and qualified as the constitution directs to vote in the choice of representatives. Ib. § 2.

3. The following persons shall be exempted from serving as jurors, and their names shall not be placed on the said lists, to wit: the governor, counsellors, 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 regularly authorized, cashiers of incorporated banks, sheriffs and their deputies, coroners, counsellors, and attorneys at law, county commissioners, constables and constant ferrymen. Ib. § 3.

4. The said board, after the list of jurors shall have been approved by the town, having written their names upon tickets, shall place them in the jury box; and the same shall be held and kept by the town clerk; and the persons whose names shall be contained in the box shall be liable to be drawn and serve on any jury, at any court for which they may be drawn, once in every three years, and not oftener. Ib. § 4.

5. The number required to be kept in the jury box, by each town, shall not be less than one, and not more than two, for every hundred persons in such town, according to the last census. Ib. § 5.

6. If any person, whose name shall be in the box, shall be convicted of any scandalous crime, or be guilty of any gross immorality, his name shall be withdrawn from the box by the board. Ib. § 6.

7. On the receipt of each venire, each constable shall notify the freeholders and other inhabitants of the town qualified to vote for representatives, in the manner annual town meetings are notified, and especially the selectmen and town clerk, to be present at the draft and selection of the jurors called for; which meeting shall be six days be-



17. The form of return may be as follows :

June —, 18—. This certifies that by virtue of the within venire, I notified the freeholders, and other inhabitants of the town of —, qualified to vote in the election of representatives, to assemble and be present on the — day of —, at — o'clock in the — noon, at the draft and selection of persons to serve as — jurors at the — court next to be holden at —, in the county of —, and that — was drawn out of the jury box, as the law directs, to serve as — jurors at said court; and that I notified the said — on the — day of —, severally of their draft and selection, and of the place, day, and hour, at which they must attend.

Dated.

Constable of —.

18. Whenever there is a renewal or exchange of any of the tickets in the box for others of the same persons, the selectmen shall transfer from the backs of the old tickets, to the new ones, the minutes of such drafts as had been made within the three preceding years. *Ib.* § 20.

19. If the selectmen or town clerk of any town shall neglect to perform the duties required of him or them, so that the jurors shall not be returned, such selectmen and town clerk shall be fined not less than ten dollars nor more than fifty dollars each; and the constable for neglect shall be fined twenty dollars; and any town, for neglect, shall be fined one hundred dollars for the use of the county, to be recovered by the treasurer thereof. *Ib.* § 21, 22, 23.

20. Any juror not being an inhabitant of Portland, who after being notified and returned, shall unnecessarily fail in his attendance, shall be fined as for contempt, not exceeding twenty dollars; and any juror who is an inhabitant of Portland, who shall so fail to attend, shall be fined forty dollars. *Ib.* § 25, 26.

21. Any town clerk or selectman who shall be guilty of any fraud in practicing on the box previous to the draft, or in the drawing a juror, or returning the name of a juror into the box which had been fairly drawn, and drawing another in his stead, or in any other mode, shall be fined not exceed-

ing two hundred dollars, half to the State and the other to the prosecutor. *Ib.* § 28.

22. Grand and traverse jurors shall be allowed one dollar and fifty cents per day for attendance, and six cents a mile for travel out and home; and jurors attending on any occasion required by law, shall be allowed one dollar a day, and four cents a mile travel each way. *Ib.* c. 151, § 10.

## CHAPTER XCIX.

### CONSTABLES.

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| 1. Office of constable.            | 8. Constable not to act as attorney.       |
| 2. He may serve precepts.          | 9. Neglect of constable to pay over money. |
| 3. He must give bond.              | 10. Affray. Duty of constable.             |
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| 5. Form of approval of bond.       | 12. Coroner's warrant to Constable.        |
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| 7. Constable may remove prisoners. |  |

1. The office of constable is either ministerial in obeying warrants or other precepts; or it is original as a conservator of the peace at common law.

2. Any constable is hereby authorized to serve upon any person in the town to which he belongs any writ or precept in any personal action, where the damage sued for and demanded shall not exceed one hundred dollars, including all precepts in which the town in which he may reside is a party, or interested; and he shall make due return thereof, according to the mandate thereof. *R. S. c. 104, § 34.*

3. Every constable, before he shall serve any writ or execution, shall give bond to the inhabitants of his town in the sum of five hundred dollars, with two sureties, sufficient in the opinion of the selectmen of the town, who shall indorse their approval upon said bond, and in their own hands, for the faithful performance of the duties of his office, as to all processes by him served, or executed; and for every process he shall serve before giving such bond he shall forfeit and pay not less than twenty dollars nor more than fifty dollars, to the use of the prosecutor. *Ib.* § 35.