

§ 3. DEUEL.] That subdivision nine (9) of section 8 of said chapter be amended to read as follows :

“9. Deuel: The county of Deuel constitutes one subdivision and the district court shall be held therein at the county seat of the said county of Deuel on the fourth Tuesday of June in each year.”

§ 4. CODINGTON AND CLARK.] That subdivision ten (10) of section 8 of said chapter be amended to read as follows :

“10. Codington and Clark: The counties of Codington and Clark constitutes one subdivision and the district court shall be held therein at the county seat of Codington county on the first Tuesday after the fourth Tuesday in June in each year.”

§ 5. GRANT AND DAY.] That subdivision eleven (11) of section 8 of said chapter be amended to read as follows :

“11. Grant and Day: The counties of Grant and Day constitute one subdivision and the district court shall be held therein at the county seat of Grant county on the second Tuesday after the fourth Tuesday in June of each year.”

§ 6. LAKE.] That the following subdivision be added to section 8 of said chapter, to be known as subdivision twelve (12).

“12. Lake: The county of Lake constitutes one subdivision and the district court shall be held therein at the county seat of said county on the fourth Tuesday of May in each year.

§ 7. This act shall take effect after its passage and approval.
Approved, March 7, 1883.

Jurors.

CHAPTER 72.

MANNER OF DRAWING AND SUMMONING JURORS.

AN ACT to Provide for the Drawing and Summoning of Grand and Petit Jurors in Counties Organized into Civil Townships.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. DUTY OF COUNTY COMMISSIONERS.] That in every county in this Territory organized into civil townships wherein a district

court is appointed or directed to be holden, the names of two hundred persons who are qualified to act as jurors shall be selected in the manner hereafter provided, from which to draw the grand and petit jurors. The board of county commissioners of such counties shall, as near as may be, apportion *pro rata* the said number of names among the several townships in their respective counties, and the basis of such apportionment shall be the proper names on the several assessor's lists for the year preceding the making or filling of such list of names for jurors.

§ 2. CLERKS OF TOWNSHIPS TO POST NOTICES.] Whenever the county commissioners of any such county shall have determined the number of such names for each of the townships in the county, the county clerk of the county shall forthwith notify the township clerks of said townships of the apportionment of their respective townships, and said township clerks shall immediately thereafter cause to be posted in three public places in his township a notice in writing that the board of supervisors of the township will meet to draw the names of qualified jurors of the township to make up the grand and petit jurors' list of the county. Such notice shall state a place and hour of such meeting within the township, and designate a day not less than five nor more than ten days from the date of such notice.

§ 3. SUPERVISORS TO SELECT JURORS—MANNER OF.] Upon the day mentioned in section two of this act, the board of supervisors of the township shall meet at the time and place mentioned in such notice, and select from the resident taxpayers of said township twice as many names as near as may be as is apportioned to the township by the county commissioners, and the township clerk shall at such meetings write the name of each person so selected on a separate ticket, and also record a list of said names so written and selected in a book to be kept for that purpose. The supervisors shall then compare the names on said tickets with such recorded list of names and satisfy themselves that said tickets are correct. The tickets shall then be folded, placed in a box or some other receptacle and shaken up. One of the board of supervisors shall then select by lot from the tickets in said box or receptacle the proper number of names so apportioned to his township, and the township clerk shall then record in a book to be kept for that purpose, such names in the order in which they are drawn

§ 4. CLERK TO SEND LIST TO CLERK OF COURT.] The township clerk immediately thereafter shall forward by mail to the clerk of the District Court of his county a list of the names so drawn, and such clerk of the court shall make out and record in a book to be used for that purpose, a list of the names returned by the several townships of the county; but the failure of the officers of one or

more townships to perform their duty as herein before provided, shall not invalidate said list made up by the clerk of the District Court.

§ 5. FORMATION OF COUNTY BOARD TO SELECT JURORS.] Within two days from the receipt of the order of the judge of the District Court, directing a jury to be summoned, the clerk of the District Court or his deputy in case such clerk of the court does not act, and the county clerk, county treasurer and sheriff, or a majority of them, shall meet together at the county seat. In case the sheriff shall be disqualified by reason of being a party to any suit pending in said District Court, or suspension from office, the coroner shall serve with said officers in place of the sheriff. The meeting of said officers shall be after notice in writing has been served the same day upon them, or their deputies, or by leaving a copy of said notice in their respective offices in case any such officer or deputy is absent from the county seat. Said notice must be served by the said clerk of the court, and must state therein the object to be to draw names for jurors of the next term of the District Court, and the place and time of such meeting.

§ 6. MANNER OF DRAWING JURORS.] At such meeting the clerk of the District Court or his deputy shall write the name of each person on said juror list on a separate ticket, and the remainder of the officers at such meeting shall compare such tickets with said list, and when all of said names on said tickets are found to correspond with said list, the said tickets shall then be folded and placed in a box or some suitable receptacle and shaken.

§ 7. SAME.] One of said county officers, other than the clerk of the District Court or his deputy shall then proceed to draw enough of said tickets to equal the number of jurors directed to be summoned by the Judge of the District Court, and the clerk of the court or his deputy shall record such names in the order in which they are drawn in a book to be kept for that purpose. The jurors first drawn to the number required in the order shall serve as grand jurors, if a grand jury shall be ordered to be summoned, and the remainder drawn in compliance with said order shall be liable to serve as petit jurors.

§ 8. DUTY OF CLERK OF COURT.] The clerk of the court shall on the day of the drawing as last herein provided, issue a venire or venires, as the case may be, directed to the proper officer of the county commanding such officer to summon the persons whose names are drawn to appear before the District Court at the hour, day and place designated in the order of the judge. A separate venire shall issue for the grand jury when such jury shall be ordered.

§ 9. NUMBER OF NAMES TO BE KEPT AT MAXIMUM.] That such number of two hundred names shall at all times be kept full by completing the number after each term of court when a jury or juries have been drawn and summoned; and at the end of each term of the District Court the clerk thereof shall make requisition upon the county commissioners for the furnishing of so many names as have been drawn so as to keep said number of two hundred full. And at the subsequent meeting the said board of commissioners shall proceed to apportion as hereinbefore provided for making up the whole of said list, and the same proceedings shall take place as to such names so required as are herein directed to be taken in making said full list, except that the board of supervisors of any township need not be specially called to draw any such names, but may do so at any regularly called meeting, provided that in the notice of such meeting the fact that names for a jury list are to be drawn shall be stated therein as heretofore provided.

§ 10. OLD MODE TO CONTINUE TEMPORARILY.] That the list made under the provisions of chapter nineteen of the Political Code shall stand as the jury list of such counties until the list provided for by this act shall be made.

§ 11. This act shall take effect immediately.

Approved, March 9, 1883.

CHAPTER 73.

FIREMEN EXEMPT.

AN ACT to Amend Section One of Chapter (86) Eighty-six of the General Laws of 1881, Approved February 11th, 1881.

Be it Enacted by the Legislative Assembly of Dakota Territory:

[§ 1.] FIREMEN EXEMPT FROM JURY DUTY.] That section one of chapter eighty-six of the General Laws of 1881, approved February 11th, 1881, be amended to read [as] follows: Section 1. That section one of chapter nineteen of the Political Code be amended by adding thereto the following words:

And provided further, That all members in good standing of

any regularly organized fire company shall be excused from serving as jurors in the courts of this Territory.

§ 2. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Approved, February 21, 1883.

CHAPTER 74.

WHEN JUDGE MAY ORDER JURY.

AN ACT to Amend Section Five (5) Chapter Nineteen (19) of the Political Code.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. JUDGE MAY ORDER JURY WITHIN THIRTY DAYS OF TERMS.] That section five (5) of chapter nineteen (19) of the Political Code be and the same is hereby amended by striking out the word "ten" where it occurs in the sixth line of said section and inserting in lieu thereof the word "thirty."

§ 2. This act shall take effect and be in force from and after its approval.

Approved, March 6, 1883.