

JURORS.

CHAPTER 80.

MANNER OF DRAWING AND SUMMONING JURORS.

AN ACT To Amend Sections One, Two, Three, Four and Nine of Chapter Seventy-Two of the Laws Passed by the Fifteenth Legislative Assembly of the Territory of Dakota, Relating to the Selection of Jurors.

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

§ 1. DUTY OF COUNTY COMMISSIONERS.] That section one of chapter seventy-two of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, be and the same is hereby amended, so as to read as follows:

§ 1. In every county in this Territory, either wholly or partially 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 hereinafter provided, from which to draw the grand and petit jurors. The board of county commissioners in each county in which only a portion of the civil townships are or may be organized, shall apportion to each of the organized townships, and to each incorporated city or town in such county, and to the unorganized portion of such county, as near [as] may be, its pro rata share of the said number of names, the number of names to be selected from those of the qualified residents of the portion or portions of such county, not organized into civil townships, and not embraced within the limits of any incorporated city or town, shall be furnished by the county commissioners in the manner now provided by law, for counties having no organized townships. In each county in which the entire number of townships are organized into civil townships, the board of county commissioners shall, as near as may be, apportion pro rata the said two hundred names among the several townships in their respective counties; *Provided*, That in counties containing an incorporated city or town, or incorporated cities or towns, the county commissioners shall apportion as near as may be, to each incorporated city or town, its pro rata share of said number of names, the basis of any apportionment provided for in this section, shall be the proper names on the several assessors lists, for

the year preceding, the making or filling of such list of names for jurors.

§ 2. CLERKS OF TOWNSHIPS TO POST NOTICES.] That section two of said chapter seventy-two be and the same is hereby amended so as to read as follows:

§ 2. Whenever the county commissioners of any such county shall have determined the number of such names, for each of the organized civil townships, and for each incorporated city or town, if any there be, in such county, the county clerk shall forthwith notify the clerk of each of such townships, cities and towns of the apportionment for his township, city or town, and said clerk shall immediately thereafter cause to be posted in three public places in his township, city or town a notice that the board of supervisors of the township, or the board of aldermen, or the city council, of the city, or the board of trustees of the town, as the case may be, will meet to draw the names of qualified jurors of the township, city or town 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, city or town, and designate a day, not less than five nor more than ten from the date of posting such notice.

§ 3. SUPERVISORS, BOARD OF ALDERMEN OR TRUSTEES OF TOWN TO SELECT JURORS—MANNER OF.] That section three of said chapter seventy-two be and the same is hereby amended, so as to read as follows:

§ 3. Upon the day mentioned in section two of this act, the board of supervisors of the township, the board of aldermen of the city council of the city, or the board of trustees of the town, shall meet at the time and place mentioned in such notice, and select from the names of the resident taxpayers of such township, city or town, three times as many names as are apportioned to the township, city or town, by the county commissioners, and the township, city or town clerk, shall at such meeting, write each name so selected, upon a separate ticket, and shall also record a list of said names so written and selected, in a book to be kept for that purpose. The said board shall then compare the names on said tickets, with such recorded list of names, to see that said tickets are correct. The tickets shall then be folded, placed in a box or some other receptacle, and shaken up; one member of the board shall then select by lot, from the tickets in in said box or receptacle, the proper number of names so apportioned to his township, city or town as the case may be and the 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.] That section four of said chapter seventy-two, be and the same is hereby amended, so as to read as follows:

§ 4. The said clerk shall, immediately thereafter, 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 to him, under the provisions of this act; but the failure of the officers of any township, city or town to perform their duty as hereinbefore provided, shall not invalidate said list made up by the clerk of the district court.

§ 5. NUMBER OF NAMES TO BE KEPT AT MAXIMUM.] That section nine of said chapter seventy-two, be and the same is hereby amended by inserting after the word "township" in said section the words "the board of aldermen, or the city council of any city, or the board of trustees of any town."

§ 6. That this act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1887.

JURISDICTION OF DISTRICT COURT.

CHAPTER 81.

AN ACT To Amend Section Thirty-one of the Code of Civil Procedure.

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

§ 1. ALWAYS OPEN FOR CERTAIN PURPOSES.] That section thirty-one of the Code of Civil Procedure be and it is hereby amended so as to read as follows:

§ 31. These courts are always open for the purpose of hearing and determining all actions, special proceedings, motions and applications of whatever kind or character, and whether of a civil or criminal nature, arising under the laws of the Territory, and of which the district courts have jurisdiction, original or appellate, except issues of fact in civil and criminal actions, and all such actions, special proceedings, motions and applications may be heard and determined at any place within the judicial district in which is situated the county or judicial subdivision wherein the same is brought or is pending; but issues of fact in civil and criminal actions must be tried in the county or judicial subdivision in which the same is brought, or to which the place of trial is changed by order of the court upon the written consent of the