

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no provision of law for the satisfaction of judgments when any person having the power or authority to satisfy the same cannot be found, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1901.

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## JURORS.

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### CHAPTER 113.

[H. B. 73.]

### JURORS.

AN ACT to Amend Sections 450, 453, 456 and 457 of the Revised Codes of North Dakota, Relating to Jurors and the Manner of Drawing Same.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That sections 450, 453, 456 and 457 of the Revised Codes of North Dakota, be amended so as to read as follows:

§ 450. DRAWING JURORS. MANNER OF.] At such meeting the clerk of the district court, or his deputy, shall strike from such juror list the names of any person known to such officers to be dead or to have removed from such county, and said clerk or his deputy, shall then write the name of each person on such juror list on a separate ticket, and the remainder of the officers at such meeting shall compare such tickets with such list, and when all of such names on such tickets are found to correspond with such list, such tickets shall be folded and placed in a box or some suitable receptacle and shaken.

§ 453. NUMBER OF NAMES TO BE ALWAYS AT MAXIMUM.] Such number of two hundred names shall at all times be kept full, when possible, by completing the number after each jury term of court; and at the end of each jury term of the district court the clerk shall make requisition upon the county commissioners for the furnishing of as many names as have been drawn so as to keep such list full. And at the subsequent meeting the board of county commissioners shall proceed to apportion as hereinbefore provided for making up the whole of such list, and the same proceedings shall be had as to such names so required, as are herein directed to be taken in making said list full,

except, that the posting of notices shall not be required, and that the board of supervisors of any township, the board of aldermen or the city council of any city, or the board of trustees of any village, need not be specially called to draw any such names, but may do so at its next regular meeting. A failure to comply with any of the provisions of this section shall not be ground for challenge of any juror, either grand or petit, or to the panel.

§ 456. COURT MAY ORDER JURY FORTHWITH.] If all persons summoned as grand or petit jurors do not appear before the court, or if for any cause the panel of the grand or petit jurors is not complete, or if no jury is drawn as above provided, the judge of the district court shall issue an order to the clerk of such court requiring a sufficient number of persons to be summoned to serve as jurors on the regular panel of grand or petit jurors, and in such order shall specify the number of jurors necessary to complete such panel, and the time and place where they shall appear. Such clerk or his deputy shall forthwith convene the county board to select jurors, being the officers named in section 449 of the political code, and such board shall forthwith proceed to select the names of the number of persons possessing the qualification of jurors directed to be summoned, which jurors may be selected by a majority of the members of said board present at the meeting to be convened as aforesaid, and thereupon a venire for the persons whose names shall have been so selected shall be issued by the clerk, or his deputy, and shall be served in like manner as provided for the service of the venire for the jurors of the regular panel.

§ 457. SUMMONS TO COMPLETE SPECIAL PANEL.] Whenever the panel of petit jurors shall be exhausted by the challenges of either party in any action, the judge of the court shall order the sheriff, deputy sheriff, or coroner to summon without delay a sufficient number of persons possessing the qualifications of jurors, to complete the number requisite for a jury in that particular case. Provided, that no person who shall have served as a juror in such court within one year next immediately preceding the first day of the term of court, in which such action is triable, shall be called, or be qualified to act as a juror in such case.

Approved March 12, 1901.

## CHAPTER 114.

[H. B. 66.]

## RELATING TO JURORS.

AN ACT to Amend Section 441 of the Revised Codes of North Dakota,  
Relating to Jurors.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 441 of the Revised Codes of the state of North Dakota, be amended so as to read as follows:

§ 441. QUALIFICATIONS OF JURORS.] All male citizens residing in any of the counties of this state, having the qualifications of electors, and being over the age of twenty-one years, and of sound mind and discretion, and not judges of the supreme or district courts, clerks of the supreme or district courts, sheriff, coroner, attorneys and counselors at law engaged in practice, or jailors, and not subject to any bodily infirmity amounting to a disability, and who have not been convicted of a criminal offense punishable by imprisonment in the penitentiary, and not subject to disability on account of the commission of any offense which by special provisions of law disqualifies him, are and shall be competent persons to serve on all grand and petit juries within their counties or subdivisions respectively; provided, that persons over sixty years of age, ministers of the gospel, county judges, county commissioners, registers of deeds, practicing physicians, registered pharmacists, postmasters, and carriers of the United States mail, shall not be compelled to serve as jurors, neither shall any member in good standing of any regularly organized fire company be compelled to serve as jurors in any of the courts of this state.

Approved March 12, 1901.