

fastened to substantial posts not more than twenty-four feet apart.

Provided, one barbed wire shall be placed above the same at a height of not less than forty-eight inches from the ground.

3. All other fences made of barbed wire which shall be as strong and as well calculated to protect enclosures as those above described, shall be considered legal fences.

4. All other fences consisting of four one inch by six inch boards, or rails not less than two and a half inches in diameter, such boards or rails to be securely fastened to substantial posts not over eight feet apart, and all other fences of equal height and strength.

5. All rivers, hedges, mountain ridges and bluffs or other barriers over or through which it is impossible for stock to pass.

Section 2. That the owners of all cattle or other domestic animals or those persons having possession and control of them shall be liable for all damage done by such cattle or animals to the lands and crops enclosed by a legal fence as defined in this act, which shall be collected by the person entitled thereto, the same as damages in other cases are collected by law, and such person shall have a lien on the cattle or other domestic animals for all damage done by them.

Owners of cattle and domestic animals injuring crops enclosed by legal fence to be liable in damages.

Approved May 3, 1917.

CHAPTER 59.

AN ACT

(S. B. 58)

To amend Chapter 67 of the Session Laws of Alaska, 1915, entitled; "An act regulating the method of choosing jurors in criminal and civil causes in the District Court, and repealing all acts or parts of acts in conflict herewith" approved April 29th, 1915, and repealing all acts or parts of acts in conflict herewith.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Chapter 67 of the Session Laws of Alaska, 1915 entitled; "An Act regulating the method of

Amends Ch. 67 S. L. 1915.

choosing jurors in criminal and civil causes in the District Court and repealing all acts or parts of acts in conflict herewith" approved April 29, 1915, be and the same is hereby amended to read as follows:

Manner of
choosing jurors
in civil and
criminal trials
in District
Courts.

Section 1. That juries for the trial of causes both civil and criminal in the District Court, shall be chosen in the following manner, to-wit.

Section 2. When a case which is to be tried by a jury is called for trial, the clerk shall draw from the trial jury box containing the names of those on the regular panel who have been summoned and not excused as jurors, the names of twelve (12) persons. These twelve (12) prospective jurors shall be examined as to their qualifications first by the plaintiff and then by the defendant. If a challenge for cause should be sustained, the place of the person so challenged shall be filled forthwith, and the person called to fill said place, shall be then examined for cause.

When there are twelve (12) qualified men in the jury box, the parties shall exercise peremptory challenges in the following order:

Challenges in
capital cases.

In capital cases: Plaintiff one, defendant two; plaintiff one, defendant two; and so on until plaintiff has exercised or waived peremptory challenges to the number of ten and the defendant has exercised or waived peremptory challenges to the number of twenty (20).

In other
felonies.

In trials for other felonies: Plaintiff one, defendant two; plaintiff one, defendant two; and so on until plaintiff has exercised or waived peremptory challenges to the number of five and defendant has exercised or waived peremptory challenges to the number of ten.

In mis-
demeanors.

In trials for misdemeanor; plaintiff one, defendant two; plaintiff one, defendant two; plaintiff one, defendant two, and so on until plaintiff has exercised or waived peremptory challenges to the number of three and defendant has exercised or waived peremptory challenges to the number of six.

In trials of civil causes; plaintiff one, defendant one, and so on alternately, until each side has exercised or waived peremptory challenges to the number of three.

In civil causes.

A waiver of a peremptory challenge shall be considered as a waiver to all the jurymen then in the box, and thereafter none of said jurymen shall be allowed to be challenged peremptorily by the party exercising the waiver, except for good cause shown; but in no event shall either party be allowed peremptory challenges in greater number than is herein provided.

Effect of waiver of peremptory challenge.

Section 3. The jury panel for the trial of cases both civil and criminal shall at all times consist of at least twenty-four (24) jurors, and if at any time the number of jurors on the panel shall fall below twenty-four (24) persons by reason of being excused or other cause, the court shall order the clerk to complete the panel to the number of twenty-four (24) by drawing sufficient names from the jury box, which shall contain at the time of the drawing at least three hundred (300) names of qualified jurors.

Jury panel shall be maintained at 24 jurors.

No cases either civil or criminal shall be tried in the Court except in accordance with the above provisions except in civil cases upon the consent of the parties. The failure of the court to cause the above provisions in this Section to be complied with, shall be reversible error.

Violation of these provisions to be reversible error.

Provided that whenever it becomes necessary to add to the regular panel by drawing names from the jury box, the judge of the court may reject the names of persons drawn whose attendance, in the judgment of the court, can not be obtained within a reasonable time, and cause other names to be drawn in their stead until a sufficient number of available jurors is secured, and

When names drawn from jury box may be rejected.

Provided further, that nothing in this section shall be construed to prevent the issuance of a special venire whenever during the trial of a case the regular panel becomes exhausted before a trial jury is secured.

Provision for special venire venire

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

defined.

Approved May 3, 1917.