

## CHAPTER 91.

## AN ACT

[S. B. 91]

Regulating the method of choosing jurors in the Courts of the Territory of Alaska and repealing all acts, or parts of acts in conflict herewith.

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

Section 1. All jurors, for both grand and petit juries, for service in the District Court for the Territory of Alaska, shall be publicly drawn from a box containing at the time of each drawing the names of at least three fourths ( $\frac{3}{4}$ ) of all persons, residents of the division in which such court is held, qualified by law for such jury service, who voted at the last preceding general Territorial election, the records and returns of which are available to the Clerk, excluding, however, the names of those persons who voted at such election but who, since said election, are known to the Clerk or to the Jury Commissioner, to have died or to have become disqualified by law to serve on the jury then being drawn; and in addition to the names of the persons who voted at such last election the Clerk and Jury Commissioner may place in such jury box the names of other persons, residents of such division, who are qualified by law for such jury service. Prior to the drawing of any jury, either grand or petit, the Judge of the Court shall appoint a Jury Commissioner who shall be a citizen of good standing, residing in the Division in which said court is held, and a well known member of the principal political party opposed to that to which the Clerk may belong; and the Clerk and said Commissioner shall each place one name of such prospective jurors in said box alternately, without reference to party affiliations, until the whole number of qualified jurors shall have been so placed in said jury box; and after such names have been so placed in said box the same shall, before the drawing, be well shaken by both the Clerk and the Jury Commis-

Manner of  
choosing jury  
panels—both  
grand and  
petit.

Jury commis-  
sioner to be  
appointed by  
Judge.

sioner so as to thoroughly mix the cards or pieces of paper upon which the names of the prospective jurors have been written for placing in such box. Any Jury Commissioner, when once appointed as herein provided, may serve for the drawing of all juries in the court for which he is appointed until the appointment of his successor or until removed by the Court or Judge.

Section 2. At the drawing of jurors for either a grand or petit jury, or both, the Court may, by an order made at the time of such drawing, reject the names of persons drawn whose attendance, in the judgment of the Court, cannot be obtained within a reasonable time, or whose attendance may involve a large and unnecessary expense, or who reside in a region from which the Judge may, in the interest of fair and impartial trials, or for the speedy and economical administration of justice, deem it inexpedient to draw jurors at that time, and the Judge may thereupon cause the Clerk and Commissioner to draw other names from the box in the place and stead of those rejected, until a sufficient number of available jurors be secured.

Court may reject any names drawn,—when.

Section 3. The jury panel for the trial of cases both civil and criminal in the District Court shall at all times consist of at least twenty-four jurors, and if at any time the number of jurors on the panel shall fall below twenty-four persons, the court shall order the Clerk to complete the panel to the number of twenty-four, by drawing sufficient names from the jury box, which shall contain at the time of the drawing the names of at least three-fourths ( $\frac{3}{4}$ ) of all persons residents of the Division in which the Court is held, qualified for jury service, as shown by the returns and records of the last general Territorial election for which the returns have been received and are available to the Clerk, as provided in Section 1 of this Act. In this case, however, as in the drawing of the original panel, the Judge may, by order, reject the names of

Jury panel to consist of at least 24 names.

persons drawn in the manner, for the reasons, and upon the grounds mentioned in Section 2 of this act.

Section 4. That jurors for the trial of causes both civil and criminal in the District Court shall be chosen in the following manner, to-wit:

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

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 misdemeanors.

In trials for misdemeanors: 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 challenges.

Section 5. Whenever, in the trial of a case, the regular panel is exhausted and it shall become necessary to secure additional jurors, the same shall be secured by drawing the names of jurors from said jury box containing at the time of such drawing the names of at least three fourths ( $\frac{3}{4}$ ) of all person[s], residents of the Division, who voted at the last preceding general Territorial election of which the records and returns are available to the clerk, and who are qualified by law for jury service, as provided in Section 1 of this act; and in drawing such jurors the Judge of the Court may, by order made at the time of such drawing reject the names of persons drawn in the manner, for the reasons, and upon the grounds mentioned in Section 2 of this act, and cause the names of other jurors to be drawn in the place and stead of those rejected. Manner of securing additional jurors when regular panel is exhausted.

Section 6. In the trial of all cases in the courts held by United States Commissioners as ex-officio Justices of the Peace the jurors shall be publicly drawn from a box containing at the time of each drawing, the names of at least three-fourths ( $\frac{3}{4}$ ) of all persons residents of said precinct as shown by the records and returns then available of the last general Territorial election, who voted at said election and who are qualified by law for jury service, and may contain the names of other persons, residents of the precinct, qualified by law for jury service, which names shall have been placed in such box by the Commissioner in the pres- Manner of choosing jurors in Justice's Court.

ence of the parties, or their attorneys, and thoroughly mixed so as to insure a fair and impartial drawing. The Commissioner may, however, by order made at the time, reject the names of persons drawn whose attendance, in his judgment, cannot be obtained within a reasonable time, or whose attendance may involve a large and unnecessary expense. And the Commissioner may thereupon cause other names to be drawn in the place and stead of those rejected until a sufficient number of available jurors be secured.

Commissioner may reject any names drawn, when.

Section 7. No case, either civil or criminal, shall be tried in any of the courts of the Territory of Alaska, except in accordance with the foregoing provisions. Provided, however, that in civil cases, by consent of the parties, a jury may be drawn or selected in any manner upon which the parties may agree, and such jury, so drawn or selected, shall be deemed a legal jury, and such drawing or selection shall not be deemed a violation of the provisions of this act. Any violation of the provisions of this act is hereby declared to be reversible error.

Parties may agree on any manner of choosing jurors in civil cases.

Violation of these provisions to be reversible error.

Section 8. As soon as possible after each general Territorial election, the Clerk shall secure a true list of the names of all person[s], residents of the division, and qualified by law for jury service, who voted at such election, and such list, when so made, shall be a public record and open for the inspection of the public; and the Clerk shall further make and immediately transmit to each Commissioner who is an ex-officio Justice of the Peace in such division, a true and correct list of all person[s], residents of such Commissioner's precinct, and qualified by law for jury service, who voted at such election, and such list, when received by said Commissioner, shall be kept by him in his office and shall be open to inspection by the public. Each divisional list, so made by the Clerk, of voters so qualified by law for jury service, shall be used for drawing all juries in the District Court in accordance with the

Clerk to keep record of persons eligible for jury service.

Clerk to transmit to Commissioners list of persons eligible in his precinct.

provisions of this Act until the Clerk is able to secure a list of the voters at the next succeeding general Territorial election; and, in like manner, each list of voters in any precinct so furnished to the Commissioner of such precinct, shall be used for drawing juries in such precinct until the Commissioner shall receive from the Clerk a new list based upon a subsequent general Territorial election.

Section 9. The jury box hereinabove provided for shall be a cube of ten (10) inches inside measurement. Size of jury box.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed to the extent of such conflict. Repeal.

Approved May 3, 1923.

## CHAPTER 92.

### AN ACT

[S. B. 108]

To amend Sections 1, 2 and 3 of Chapter 11 of the Session Laws of Alaska of the year 1919, the same being an Act entitled, "An Act to provide for the construction, maintenance and protection of public roads, bridges, trails and ferries and property pertaining to public roads in the Territory of Alaska, to provide funds, regulations and penalties; to carry the provisions and purposes of this Act into effect; to provide for the appointment of a Territorial Board of Road Commissioners and defining their duties; to provide for a Board of Divisional Road Commissioners for the First, Second, Third and Fourth Judicial Divisions in the Territory of Alaska; to provide for a Divisional Treasurer in each Division, to provide for co-operation between the Territorial Board of Road Commissioners and the Federal Road authorities; to provide for the appointment of a Divisional Road Commissioner after February 28, 1921; to repeal all laws and parts of laws in conflict herewith; and for other purposes; and to declare an emergency."

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

Section 1. That Sections 1, 2 and 3 of Chapter 11 of the Session Laws of Alaska of the year 1919 the Sections 1, 2 and 3 of Chap. 11, 1919 Laws amended.