

Effective,
when.

Section 3. This Act shall become effective on and after January 1st, 1932.

Approved April 30, 1931.

CHAPTER 100.

AN ACT

[H. B. 31]

Regulating the method of choosing jurors in the Courts of the Territory of Alaska; prescribing the qualifications of jurors, and repealing Chapter 16 of the Session Laws of Alaska, 1925, and Chapter 73 of the Session Laws of 1927.

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

Jury
Commissioner
appointed.

Qualifications.

Term.

Jury Commis-
sioner to act,
when.

Grand and
petit jurors,
how drawn.

Section 1. Prior to the drawing of any jury, either grand, or petit, in the District Court for the Territory of Alaska, the Judge of the Court shall appoint a Jury Commissioner who shall be a citizen of good standing, residing in the Division in which such Court is held, and a well known member of the principal political party opposed to that to which the Clerk may belong. Any Jury Commissioner, when once appointed as herein provided, may serve for the drawing of all juries in the Judicial Division of the Court for which he is appointed until the appointment of his successor or until removed by the Court or the Judge. Unless the Court or Judge shall otherwise order, the Jury Commissioner shall act only in the drawing of the regular panel of grand and petit juries; all other drawings to complete the panel or to add to the panel or to secure additional jurors for the trial of any case may be made by the Clerk.

Section 2. Except as in this Act otherwise provided, 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 four-fifths

(4/5ths) of all persons, residents of the Division in which such Court is held, who voted at the last preceding general Territorial election, the records and returns of which are available to the Clerk, and who, so far as known to the Clerk and Jury Commissioner, are still residents of such Division and still qualified by law for such jury service.

Provided, however, that upon the drawing of any original panel for any grand or petit jury in the District Court for the Territory of Alaska, or upon any drawing to complete the panel of any grand or petit jury in said Court, or, in the trial of a case, when the regular panel is exhausted, upon the drawing of additional jurors to serve upon the jury then being empaneled, the Court or Judge may, for the purpose of securing impartial trials or for the speedy and economical administration of justice, by order direct that the jurors be drawn from any subdivision or region or regions of the judicial division in which said District Court is held, in which event the Clerk and the Jury Commissioner, or the Clerk alone, as the case may require, upon the order of the Court or Judge so directing, shall place in the jury box the names of at least four-fifths (4/5ths) of the persons, residents of the subdivision, region or regions from which it is ordered that such jurors be drawn, who voted at the last preceding general Territorial election, the records and returns of which are available to the Clerk, and who, so far as known to the Clerk or Jury Commissioner, are still residents of the subdivision, region or regions from which it is directed that the jury or jurors be drawn, and who are still qualified by law for jury service, and from names thus placed in the jury box the requisite number of jurors shall be drawn in the manner in this Act provided. At any drawing of jurors, the Court or Judge may, by an order made at the time of such drawing, reject the names of persons drawn whose attendance, in the opinion of the Court or Judge, cannot be obtained within

Court or judge may direct drawing of jurors from certain region, when.

Drawing, how made.

Court or judge may reject any names drawn, when.

Effect of waiving of peremptory challenge.

Either party may waive a peremptory challenge as to the jurors in the box, but the challenge shall not be thereby lost and the same may be exercised as to any new jurors who may be called. After waiver of a peremptory challenge as to jurors in the box none of such jurors shall be thereafter challenged peremptorily by the party so waiving except for good cause shown. In no event shall either party be allowed a greater number of peremptory challenges than is herein provided.

Manner of choosing jurors in justice court.

Section 6. In the trial of all cases 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 four-fifths ($\frac{4}{5}$ ths) of all persons, residents of such commissioner's district, who voted in such district at the last preceding general Territorial election, the records and returns of which are then available to the Commissioner, and who, so far as known to the Commissioner, are still residents of such district and qualified by law for jury service. For the drawing of any jury, the names of such persons shall be so placed in the jury box by the Commissioner in the presence of the parties or their attorneys and the cards or pieces of paper upon which the names of the jurors are written shall be 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. The Commissioner may, at the first drawing, or any subsequent drawing made to complete the panel, draw from the box for service upon the jury about to be empaneled, or then being empaneled, the names of a sufficient

Commissioner may reject any names drawn, when.

number of prospective jurors to insure, in his judgment, the speedy empaneling of the jury, taking into consideration probable challenges both peremptory and for cause; but the jurors so drawn in excess of the number of twelve for the original panel or in excess of any number required to complete the panel, shall, if and as they appear, be examined for service upon such jury in the order in which they have been drawn, but the empaneling of the jury shall not be delayed by the failure of any juror summoned to appear at the appointed time. Any juror so summoned and appearing shall be entitled to pay as a juror no matter whether called on the jury or not.

Section 7. Juries for the trials of causes in Courts of United States Commissioners acting as ex-officio Justices of the Peace shall be examined and challenged for cause and peremptory challenges exercised, so far as may be possible, in the same manner as in trials in the District Court; provided, however, that in Commissioners' Courts in both criminal and civil actions each party shall be entitled to three peremptory challenges and no more.

Challenges in justice court, how exercised.

Number of peremptory challenges.

Section 8. The jury box containing the names of the prospective jurors for any drawing of any jury or jurors in any of the Courts of the Territory of Alaska, and the cards or pieces of paper upon which the names of such prospective jurors have been written, may be examined by the parties plaintiff or defendant or by any attorney authorized to practice law in the Courts of the Territory of Alaska within such limitations and under such conditions as the Court or Judge or Commissioner, as the case may be, may reasonably prescribe; and in the case of Commissioners' Courts a party to an action about to be tried or in course of trial shall have the same right. In all cases before a jury or jurors shall be drawn from the box, the box shall be well shaken by the officer making the drawing so as to thoroughly mix the cards or pieces of

Jury box may be examined by whom—

paper therein upon which the names of the prospective jurors are written and thus insure a fair and impartial drawing.

Qualification
for jury
service.

Section 9. No person shall be qualified to serve on the grand jury or on the regular panel of any petit jury in the District Court if such person shall have served on another grand jury or another regular panel of the petit jury within one year prior to the time of such person's examination for service. No person shall be qualified to serve on any jury in the Territory of Alaska unless such person is able to read the Constitution of the United States in the English language and inability to so read the Constitution of the United States in the English language shall be absolute disqualification and such person shall be forthwith excused by the court. At the request of any party to any action the Clerk of the District Court, or the Justice of the Peace in actions in the Justice's Court, shall require a juror upon his examination to read not fewer than five lines selected at random from the Constitution of the United States and if the juror shall be unable so to read the indicated portions of the Constitution, he shall be excused from service. Neither the Clerk of the Court nor the Justice of the Peace shall in any event reveal to such juror or to any other person the name of the party or attorney who requested such examination to determine the ability of the juror to read the Constitution.

Violation of
provisions
reversible
error.

Section 10. No case, either civil or criminal, shall be tried in any of the Courts of the Territory of Alaska, except in accordance with the provisions of this Act, and any violation of the provisions of this Act is hereby declared to be reversible error. Provided, however, that in any civil or criminal case, by consent and agreement of the parties given in person and by and through their attorneys, and made in writing and signed and filed in the case, a jury shall be drawn or selected in any manner upon which the parties may so agree, and

such jury, so drawn and selected under appropriate order of the Court made in conformity with such agreement, shall be deemed a legal jury, and such drawing or selection shall not be deemed a violation of this Act.

Parties may agree on method of selecting jury.

Section 11. As soon as possible after each general Territorial election, the Clerk shall secure a true list of the names of all persons, 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 persons, residents of such Commissioner's district, 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 or subdivisinal 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 provisions of this Act until the Clerk is able to secure a list of the voters at the next succeeding Territorial election; and, in like manner, each list of voters in any Commissioner's district so furnished to the Commissioner of such district, shall be used for drawing juries in such district until the Commissioner shall receive from the Clerk a new list based upon a subsequent general Territorial election. Lists of voters at the last preceding general Territorial election heretofore made under existing law may be used hereunder until the records and returns of a succeeding election are received and proper lists of voters compiled therefrom.

Clerk to keep record of persons eligible for jury service.

Clerk to transmit to Commissioner list of voters in his precinct eligible for jury service.

Section 12. The jury box herein provided for use in all of the Courts of the Territory of Alaska shall be

Size of jury box.

in a form of a cube and shall measure at least ten (10) inches each way inside measurement.

Repeal.

Section 13. Chapter 16 of the Session Laws of Alaska, 1925, and Chapter 73 of the Session Laws of Alaska, 1927, are hereby repealed and all other Acts or parts of Acts in conflict herewith, are hereby repealed to the extent of such conflict.

Approved April 30, 1931.

CHAPTER 101.

AN ACT

[H. B. 105]

To amend Section 1 of Chapter 92 of the Laws of 1923 as amended by Chapter 54 of the Laws of 1927 relative to the creation of a Territorial Board of Road Commissioners, and declaring an emergency.

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

Chap. 1, Chap. 92, S.L.A. 1923 as amended by Chap. 54, S.L.A. 1927 amended.

Section 1. Section 1 of Chapter 92 of the Laws of 1923, as amended by Chapter 54 of the Laws of 1927 is hereby amended so as to read as follows:

Territorial Board of Road Commissioners created.

“There is hereby created a Territorial Board of Road Commissioners for the Territory of Alaska, for the construction of roads, trails, bridges and ferries in the Territory. This board shall consist of the Governor, the Treasurer and the Highway Engineer, and said board shall be known as the Territorial Board of Road Commissioners.”

Personnel.

Emergency.

Section 2. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved April 30, 1931.