

CHAPTER 230.

AN ACT TO PROVIDE FOR THE SELECTING, DRAWING AND EMPANELLING OF JURORS IN THE CITY OF ROCHESTER, IN THE COUNTY OF OLMTED.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The common council of said city shall, on the first Monday in May of each and every year, select from the qualified electors of said city, properly qualified, to serve as jurors in the district court, one hundred and sixty-eight persons, and shall make a list thereof, which list shall be signed by the mayor and certified by the recorder of said city, and shall deliver the said list to the said recorder, and the persons so selected shall constitute the jurors for said court for the year ensuing, unless there shall be a deficiency, which shall be supplied as hereinafter provided. In preparing such list, the common council shall select such persons only as they know, or have good reason to believe are possessed of the qualifications of jurors, and not exempt by law.

SEC. 2. The city recorder of said city, on receiving the said list selected by the common council, shall file the same in his office, and write the names of the persons contained in said list, on separate pieces of paper, and fold up such pieces of paper, each in the same manner, as nearly as possible, so that the name written thereon shall not be visible, and shall place the same in seven envelopes with twenty-four names in each envelope, and securely seal the same, and number the said envelopes from one to seven inclusive, and file and securely keep the same in his office, to be used in empanelling a jury, as hereinafter provided.

SEC. 3. Whenever, in any action before the said city justice, cognizable before said justice, a jury trial shall be demanded, the said justice shall, by a written order, require the recorder to deliver to the officer of the said court, one or more of said envelopes as may be necessary, commencing with the one numbered one, and consecutively in the order of numbering until a jury is empannelled.

SEC. 4. In the trial of an action cognizable by the said city justice, the officer of the said court shall break the seal of the said envelope, and deposit the pieces of paper, with the names written thereon, in a box to be provided for that purpose, and shall draw out of the said box, one of the pieces of paper, and shall distinctly pronounce the name written thereon, and if no objection is made, by either party, the name so drawn, shall be one of the names of persons to comprise the jury, and he shall continue to draw out the said names until the panel is full, when the names shall be returned to the envelope, and sealed up and returned to the city recorder, to be by him securely kept until the same shall be again needed in empanelling a jury.

SEC. 5. In the trial of any action in said city justice's court, the plaintiff and defendant shall each be entitled to six peremptory challenges, and the defendant shall first take his challenge to an individual juror when the name is drawn from the box as hereinbefore provided, and if not challenged by the defendant, the plaintiff may challenge the said juror, but no more than six peremptory challenges shall be allowed by either party in the trial of the action, but either party may challenge a juror for cause, when the jury is summoned and appear in court before the jury is sworn, and upon each challenge for cause, the city justice shall determine whether the juror challenged is indifferent between the two parties and his decision thereon shall not be subject to exception or appeal, and if the juror is excused another name shall be drawn from the box by the officer, and if no challenge be made to the person so drawn he shall be sworn as a juror; and in case the names in the box shall be exhausted before the empannelling of a jury, the names contained in another envelope shall be put into the box and until a jury is obtained for the trial of the action. *Provided*, In case there shall be more than one defendant in the action all the defendants shall join in the challenge of the juror, either peremptorily or for cause.

SEC. 6. The envelopes used to empanel a jury from, shall not be again used in the empannelling of a jury until the whole number of envelopes have been used, when those first used may be again used during the year, as often as necessary, commencing with number one, and using the same continuously to number seven.

SEC. 7. The common council in selecting the names of persons that comprise the jury list, shall not select the names of persons that were on the jury list the year next preceding the said election, and it shall be so arranged and provided that persons shall not be compelled to serve as jurors in the city justice's court, only in alternate years, one year out of two.

SEC. 8. If there shall be a deficiency of jurors in said court for any cause, the officer shall, under the direction of the said city justice, summon from the bystanders or others, a sufficient number to fill the panel after all the names on the jury list shall have been exhausted in the trial of any action pending in said court.

SEC. 9. The city justice shall issue a venire as in civil and criminal causes to compel the attendance of the person so drawn, and may compel the attendance of any juror by attachment, and for that purpose shall have the power of a court of record to punish as for a contempt, by a fine not exceeding one hundred dollars, (\$100) and imprisonment not exceeding ninety (90) days.

SEC. 10. This act shall be limited in its operation to the city of Rochester, in the county of Olmsted, and shall be taken and construed as a part of the charter of said city.

SEC. 11. All acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.