

## Juries

## CHAPTER 593

## JURIES AND JURORS

**593.01 PETIT JURY.**

**HISTORY.** R.S. 1851 c. 126 s. 146; P.S. 1858 c. 112 s. 1; 1863 c. 30 s. 1; G.S. 1866 c. 71 s. 1; G.S. 1878 c. 71 s. 1; G.S. 1894 s. 5597; R.L. 1905 s. 4326; G.S. 1913 s. 7960; 1921 c. 365 s. 1; G.S. 1923 s. 9456; M.S. 1927 s. 9456.

Laws 1895, Chapter 328, providing for struck juries is not in conflict with Minnesota Constitution, Article 1, Section 4, "The right of trial by jury shall remain inviolate"; nor with Article 1, Section 8, "Every person ought to obtain justice freely and without purchase." *Lommen v Mpls. Gaslight Co.* 65 M 198, 68 NW 53.

Laws 1921, Chapter 365, defining a petit jury as a body of 12 men or women, or both, is constitutional and valid. *State v Rosenberg*, 155 M 37, 192 NW 194.

In preparation of jury lists no discrimination should be made against any particular class because of race, sex, or occupation. Although the board's discrimination cannot be justified, mandamus will not lie at the suit of a voter to compel the board to annul the lists and prepare new ones. Possibly a litigant could interpose a challenge to the panel. *State ex rel v Co. Board*, 171 M 177, 213 NW 545.

**593.02 NO SEX DISQUALIFICATION.**

**HISTORY.** 1921 c. 365 s. 3; G.S. 1923 s. 9457; M.S. 1927 s. 9457.

Suffrage amendment as qualifying women for jury duty. 5 MLR 319; 6 MLR 79.

Discrimination against women in selection for jury lists. 12 MLR 81.

**593.03 NUMBER TO BE DRAWN.**

**HISTORY.** R.S. 1851 c. 126 ss. 147, 150; P.S. 1858 c. 112 ss. 2, 5; 1863 c. 30 ss. 2, 5; G.S. 1866 c. 71 ss. 2, 5; G.S. 1878 c. 71 ss. 2, 5; 1883 c. 26; G.S. 1894 ss. 5598, 5601; R.L. 1905 s. 4327; G.S. 1913 s. 7961; G.S. 1923 s. 9458; M.S. 1927 s. 9458.

**593.04 QUALIFICATIONS, DISABILITIES, AND EXEMPTIONS.**

**HISTORY.** R.S. 1851 c. 126 s. 148; P.S. 1858 c. 112 s. 3; 1863 c. 30 s. 3; G.S. 1866 c. 71 s. 3; G.S. 1878 c. 71 s. 3; G.S. 1894 s. 5599; R.L. 1905 s. 4328; G.S. 1913 s. 7962; G.S. 1923 s. 9459; M.S. 1927 s. 9459.

On a challenge of a juror for actual bias, and testimony was conflicting as to a conversation, the court did not err in refusing to issue a subpoena for another witness who had heard the conversation, suspend proceedings, and secure the attendance of the other witness. *State v Barrett*, 40 M 65, 41 NW 459.

Upon voir dire the proposed juror stated that he was of foreign birth and parentage, but, without objection testified he had declared his intention to become a citizen, the apparent disability was removed. *State v Barrett*, 40 M 65, 41 NW 459.

Disqualification of governmental employees as jurors in criminal cases for implied bias. 21 MLR 609.

### 593.05 HOW DRAWN AND SUMMONED.

HISTORY. R.S. 1851 c. 126 s. 149; P.S. 1858 c. 112 s. 4; 1863 c. 30 s. 4; G.S. 1866 c. 71 s. 4; G.S. 1878 c. 71 s. 4; 1881 c. 45 s. 1; 1883 c. 62 s. 1; G.S. 1894 s. 5600; 1901 c. 80; R.L. 1905 s. 4329; G.S. 1913 s. 7963; G.S. 1923 s. 9460; M.S. 1927 s. 9460.

A special venire need not name the jurors to be summoned. In a murder trial, that a clergyman preached the funeral sermon of the deceased, does not disqualify him as a juror. *State v Stokely*, 16 M 282 (249).

Laws 1917, Chapter 485, amending General Statutes 1913, Chapter 7971 (section 593.13), does not prevent the court, in event of shortage of available jurors, from compelling the jury by causing jurors to be drawn from bystanders or from the county at large pursuant to section 593.12. *Rakowski v Nowacki*, 157 M 181, 195 NW 890.

### 593.06 HOW DRAWN AND SUMMONED IN COUNTIES HAVING MORE THAN 200,000 INHABITANTS.

HISTORY. 1907 c. 35 s. 1; 1909 c. 221 s. 3; G.S. 1913 s. 7964; G.S. 1923 s. 9461; M.S. 1927 s. 9461.

### 593.07 BALLOTS.

HISTORY. R.S. 1851 c. 126 s. 151; P.S. 1858 c. 112 s. 6; 1863 c. 30 s. 6; G.S. 1866 c. 71 s. 6; G.S. 1878 c. 71 s. 6; G.S. 1894 s. 5602; R.L. 1905 s. 4330; G.S. 1913 s. 7965; G.S. 1923 s. 9462; M.S. 1927 s. 9462.

### 593.08 TRIAL OF INDICTMENTS; PROCEEDINGS.

HISTORY. R.S. 1851 c. 126 s. 152; P.S. 1858 c. 112 s. 7; G.S. 1866 c. 71 s. 7; G.S. 1878 c. 71 s. 7; G.S. 1894 s. 5603; R.L. 1905 s. 4331; G.S. 1913 s. 7966; G.S. 1923 s. 9463; M.S. 1927 s. 9463.

### 593.09 DRAWING OF NAME BALLOTS.

HISTORY. R.S. 1851 c. 126 s. 153; P.S. 1858 c. 112 s. 8; G.S. 1866 c. 71 s. 8; G.S. 1878 c. 71 s. 8; G.S. 1894 s. 5604; R.L. 1905 s. 4332; G.S. 1913 s. 7967; G.S. 1923 s. 9464; M.S. 1927 s. 9464.

### 593.10 BALLOTS, HOW KEPT.

HISTORY. R.S. 1851 c. 126 ss. 154, 155; P.S. 1858 c. 112 ss. 9, 10; G.S. 1866 c. 71 ss. 9, 10; G.S. 1878 c. 71 ss. 9, 10; G.S. 1894 ss. 5605, 5606; R.L. 1905 s. 4333; G.S. 1913 s. 7968; G.S. 1923 s. 9465; M.S. 1927 s. 9465.

### 593.11 ABSENT OR EXCUSED.

HISTORY. R.S. 1851 c. 126 s. 156; P.S. 1858 c. 112 s. 11; G.S. 1866 c. 71 s. 11; G.S. 1878 c. 71 s. 11; G.S. 1894 s. 5607; R.L. 1905 s. 4334; G.S. 1913 s. 7969; G.S. 1923 s. 9466; M.S. 1927 s. 9466.

### 593.12 TALESMEN.

HISTORY. R.S. 1851 c. 126 ss. 157 to 159; P.S. 1858 c. 112 ss. 12 to 14; G.S. 1866 c. 71 ss. 12 to 14; G.S. 1878 c. 71 ss. 12 to 14; G.S. 1894 ss. 5608 to 5610; R.L. 1905 s. 4335; G.S. 1913 s. 7970; G.S. 1923 s. 9467; M.S. 1927 s. 9467.

See *State v Stokely*, 16 M 282 (249); *Rakowski v Nowacki*, 157 M 181, 195 NW 890.

The discharge of the whole or part of a jury panel, and summoning a new one, rests in the sound discretion of the trial court. The fact that seven out of 36 towns, cities, and villages in the county, and that eight jurors were summoned from one village, is not ground for challenge of the panel, there being no showing of fraud or bad faith, and no showing that the selectees were other than fair-minded persons. *State v Lundgren*, 124 M 163, 144 NW 752.

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The court did not abuse discretion in impaneling the jury from bystanders. *Wolf v Chicago*, Milwaukee Co. 180 M 310, 230 NW 826.

## 593.13 SELECTION OF JURORS.

**HISTORY.** R.S. 1851 c. 8 ss. 15, 16; P.S. 1858 c. 7 ss. 7, 8; 1860 c. 15 art. 77 ss. 16, 17; G.S. 1866 c. 8 ss. 98, 99; 1877 c. 10 s. 1; 1878 c. 18 s. 1; G.S. 1878 c. 8 ss. 107, 108; 1885 c. 5; G.S. 1894 ss. 673, 675; R.L. 1905 s. 4336; G.S. 1913 s. 7971; 1917 c. 485 s. 1; G.S. 1923 s. 9468; M.S. 1927 s. 9468; 1929 c. 13; 1931 c. 218.

In selecting jurors summoned in a special venire, General Statutes 1913 (1917 supplement), Section 7971 (section 593.13), was disregarded, but as there was no objection until after the return of the verdict, plaintiff waived his right to take advantage of the error. *Wrabek v Suchomeł*, 145 M 468, 177 NW 764.

*Law's* 1917, Chapter 485 (section 593.13), providing a method for calling special venires, does not prevent the court, in case an insufficient number are drawn, from completing the jury by calling bystanders or from the county at large pursuant to section 593.12. *Rakowski v Nowacki*, 157 M 181, 195 NW 890.

A challenge to the panel of jurors will not lie unless the objection affects the entire panel. *State v Oswald*, 168 M 329, 210 NW 65.

In the selection of jurors there must be no discrimination against any particular class because of race, sex or occupation. *State ex rel v County Board*, 171 M 177, 213 NW 545.

Where a litigant has an important law suit for trial at a term of court and is also a member of the petit jury panel at that term and associates and serves with his fellows in the trial of a number of cases on the calendar for a period of seven weeks before his own case is called, it was error not to grant a motion by his opponent for a continuance of his case or else call in jurors not on the panel to try the case. *State ex rel v Wheeler*, 179 M 564, 230 NW 91.

Changes in method of selecting jurors. 1 MLR 542.

## 593.14 JURORS, SELECTED IN COUNTIES HAVING MORE THAN 100,000 INHABITANTS.

**HISTORY.** 1907 c. 2; G.S. 1913 s. 7972; G.S. 1923 s. 9469; M.S. 1927 s. 9469.

The failure to comply with statutory requirements in reference to summoning and drawing a petit jury is not ground for granting a new trial, when the record shows that a fair and impartial jury was secured, and that defendant accepted the jury at a time when he had numerous peremptory challenges unused. *State v Quirk*, 101 M 334, 112 NW 409.

Under the city charter in force since 1914 there is no such office as "president of the common council," and a list of persons selected to serve as jurors, made by the municipal judges alone, is valid. *State v Weingarth*, 134 M 309, 159 NW 789.

Examination of prospective jurors on voir dire. 17 MLR 300.

## 593.15 JURIES IN HENNEPIN COUNTY.

**HISTORY.** 1927 c. 345 s. 1; M.S. 1927 s. 9469-1; 1929 c. 236 s. 1.  
See court rules. Minnesota Statutes 1941, page 3945.

## 593.16 JURY OF SIX; DRAWING; CHALLENGES.

**HISTORY.** 1927 c. 345 s. 2; M.S. 1927 s. 9469-2.

## 593.17 CHALLENGES.

**HISTORY.** 1927 c. 345 s. 3; M.S. 1927 s. 9469-3.

## 593.18 DENTISTS AND PHARMACISTS EXEMPT FROM JURY DUTY.

**HISTORY.** 1935 c. 95 s. 9; 1937 c. 354 s. 15; M. Supp. 5762-9, 5808-15.