

## CHAPTER 42.

## NUMBER OF GRAND AND TRIAL JURORS.

S. F. 10. AN ACT Repealing Sections 231, 241, 4256 and 4291 of the Code, and Enacting Substitutes Therefor, Relating to Grand Jurors, and Reducing the Number Thereof, and Fixing the Number of Trial Jurors.

*Be it enacted by the General Assembly of the State of Iowa:*

Repeals Code, sec. 231. SECTION 1. That section 231 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

Substitute.

Grand jury consists of five members in counties of less than 16,000 population, and seven members in counties of over 16,000. Trial jury consist of 15 in counties of less than 15,000; in counties of over 15,000 to consist of 24.

Sec. 231. That from and after the first day of January, A. D. 1887, the grand jury shall be composed as follows: In counties having a population of sixteen thousand inhabitants or less, the grand jury shall be composed of five members; and in counties having a population of more than sixteen thousand inhabitants the grand jury shall be composed of seven members. The trial jurors in the counties containing less than fifteen thousand inhabitants shall consist of fifteen, unless the judge otherwise orders, but in counties containing fifteen thousand inhabitants or over, the number of trial jurors shall be twenty-four. Such population shall in each case be determined by the last preceding national or State census.

Code, section 241 repealed.

Substitute.

Jury; how drawn.

Sec. 2. That section 241, of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

Sec. 241. After thoroughly mixing the same, the clerk or his deputy shall draw therefrom the requisite number of jurors to serve as aforesaid, and shall, within three days thereafter, issue a precept to the sheriff commanding him to summon the said jurors to appear before the court as provided in section two hundred and thirty of the Code. When the grand jury shall be composed of five members only, the number drawn shall be eight, and when the grand jury shall be composed of seven members the number of grand jurors to be drawn shall be twelve; *provided*, that in drawing such grand jury not more than one person shall be drawn as a grand juror from any civil township, excepting where the grand jury is by law required to be drawn from a district containing fewer civil townships than the number of grand jurors required to be summoned; in which case, if the number of civil townships in such district be not less than one-half of the number of jurors required, not more than two persons

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shall be drawn as grand jurors from any such township; and if the number of civil townships be less than one-half of the number of jurors required not more than three persons shall be drawn as grand jurors from any such township. If more persons shall be drawn from any civil township than are hereby authorized it shall be the duty of the officer drawing such grand jury to reject all superfluous names so drawn, and to proceed with the drawing until the required number of jurors shall be secured. No person shall serve as grand juror for two consecutive years.

SEC. 3. That section 4256, of the Code be and the same is hereby repealed, and the following hereby enacted in lieu thereof: Code, section 4256 repealed.

Sec. 4256. At a term of court at which grand jurors are required to appear, the panel shall be called and the names of the grand jurors appearing shall be entered on the record. From the number of jurors thus summoned and appearing the clerk shall select, by lot, the required number. If more grand jurors have appeared than the number required to fill the panel, the remaining number shall be discharged for the term. If from any cause, either then or afterward, the number of the panel be reduced to a less number than required, the court may order the sheriff of the county to summon a sufficient number of qualified persons to complete the panel.

Substitute.  
Selection of grand jurors.

SEC. 4. That section 4291 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof: Code, section 4291 repealed.

Sec. 4291. An indictment cannot be found without the concurrence of four grand jurors, when the grand jury is composed of five members; and not without the concurrence of five grand jurors when the grand jury is composed of seven members. Every indictment must be indorsed "a true bill," and the indorsement must be signed by the foreman of the grand jury.

Substitute.  
Four grand jurors must concur in an indictment when composed of 5 members and 5 when composed of 7 members.

SEC. 5. That none of the provisions, clauses, or enactments of this chapter shall in any way or manner affect any trial or grand jury to be empaneled prior to the first day of January, A. D. 1887, or the manner of drawing or empaneling any of said juries; and shall in no way or manner affect the validity of any indictment found prior to the first day of January, A. D. 1887; but said provisions, clauses, and enactments shall relate to and apply only to juries to be empaneled on or after said first Monday of January, A. D. 1887. To take effect first Monday of January, 1887.

Approved March 24, 1886.