

CHAPTER 69.

AN ACT to increase the number of judges of the Supreme Court, and s. F. 388.
providing for the division of said Court.

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

SECTION 1. That hereafter the supreme court shall consist of six judges, four of whom shall constitute a quorum to hold court. Six judges, four a quorum.

SEC. 2. The regular term of the additional judge provided for by this act shall commence on the first day of January, 1898, and he shall be chosen at the general election in the year 1897, and every six years thereafter. Commencement of term of additional judge.

SEC. 3. The vacancy in the office of the additional judge provided for in this act shall be filled by appointment of the governor when this act shall take effect and be in force; and the person so appointed shall hold his office until the general election in the year 1894, and until his successor is elected and qualified, and at said general election in the year 1894, there shall be chosen a judge of said court to fill the unexpired portion of the vacancy hereby created. Vacancy filled by appointment.

SEC. 4. The whole court shall join in the open session of the court, and in all other court duties, except that in the preliminary consideration of submitted cases the judges may divide into two sections of three judges in each section, but no opinion shall be filed until it shall have been considered by the whole court and concurred in by not less than four of the judges. Judges may divide into two sections. All opinions considered by the whole court.

SEC. 5. This act being deemed of immediate importance shall take effect from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in the city of Des Moines, Iowa. Publication clause.

Approved April 28, 1894.

I hereby certify that the foregoing act was published in the Des Moines Leader May 1, and in the Iowa State Register May 4, 1894.

W. M. McFARLAND, *Secretary of State.*

CHAPTER 70.

AN ACT to amend chapter 10, title 3 of the Code of 1873 relating to selecting and drawing jurors. H. F. 283.

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

SECTION 1. All qualified electors of the State of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, and who can speak, write and read the English language, are competent jurors in their respective counties. Qualification of competent jurors.

SEC. 2. That the assessor in each township once in three years at the time of returning assessment roll shall return to the county auditor, and also to the township clerk, a list of all such qualified electors in the township between 21 and 65 Assessor to return every three years a list of qualified electors.

years of age not exempt from jury service, and said lists shall be filed and kept in the offices of said auditor and clerk.

County auditor, clerk of court and recorder may fix time for hearing claims for exemption from jury service.

SEC. 3. The county auditor, clerk of the district court and county recorder shall within five days after all the jury lists are filed, fix a time not less than twenty nor more than thirty days from such filing, when any person claiming exemption under the law from serving as a juror may appear before said auditor, clerk and recorder, and show by affidavit filed with the auditor the cause for such claim, and the said auditor, clerk and recorder shall determine whether under the law the person making such claim is exempt from service as a juror, but they shall have no power to excuse any person who under the law is not exempt or disqualified from serving, the time and place for which meeting shall be published in at least three newspapers in the county, if so many are published, at least fifteen days before such meeting, and also one copy of such notice shall, ten days before such meeting, be filed with each township clerk. If the auditor, clerk and recorder determine that under the law any person whose name is on the list is entitled to exemption his name shall be stricken from the list.

Publication in three newspapers.

Names may be stricken off list.

False affidavit in matter of exemption.

Names of disqualified stricken off list.

Names deposited in a ballot box.

Talesman box.

Both grand and petit jurors drawn.

Jurors drawn summoned to appear. Penalty.

Uniformity of ballot.

SEC. 4. Any person who makes any false affidavit or false claim to such exemption knowingly, shall be guilty of a misdemeanor and shall be punished as provided in section 3967 of the Code of 1873. The said officers shall within ten days from the day fixed in said notice strike from the list the names of all persons held to be exempt or disqualified, and shall then prepare a complete list and separate ballots containing the names and residence of all persons whose names remain on the list and deposit the ballots in a box prepared and kept for that purpose, and seal the same up and deposit said box with the clerk of the district court, except the names of each alternate juror on the list from cities and towns where the courts are held shall be deposited in a box to be known as talesman box and not in the first box, and sealed up and kept as provided for the first box.

SEC. 5. Both grand and petit jurors shall be drawn by the officers mentioned in section 4 as hereinafter provided from the first box, notice of which shall be published five days prior in at least three newspapers in the county, if so many are published, and the ballots so drawn and of the jurors who appear and serve for any term shall not be again returned to the first box, but deposited in a third box. The jurors so drawn shall be summoned to appear as provided by section 242 of the code of 1873, and any juror so summoned who shall fail to appear without sufficient excuse therefor shall pay a fine of \$25 to be imposed by the court.

SEC. 6. The ballots when placed in the box from which the drawing is to be made shall be uniform in size and paper, and be so folded as to conceal the names on the ballots, and the box shall be arranged with only an aperture therein to

insert the hand, and at the time of the drawing the box shall be thoroughly shaken in the presence of the officers attending the drawing and the seal on the aperture broken in their presence, and one of said officers shall then without looking at the ballots draw one from the box and pass it to one of the other officers attending the drawing, who shall open it and the name thereon shall be read aloud by him and taken down, then another ballot shall be drawn and opened in the same manner, and so on in the same manner until the whole number of jurors required shall be drawn, when the box shall again be sealed up and returned to the clerk of the district court.

Ballot well shaken.

Manner of drawing names.

Box again sealed.

SEC. 7. If upon the trial of any case or proceeding before a jury there shall not be sufficient jurymen remaining in the regular panel after challenges have been exhausted, the clerk shall in the presence of the court draw a sufficient number of names from the talesman box to complete the panel. The persons whose names are so drawn from the talesman box shall be immediately summoned by the sheriff to appear forthwith, and the panel shall be completed from the persons so summoned. The court may require such number to be drawn and summoned as deemed necessary to complete the panel, and the ballots of jurors so drawn and who serve shall be placed in a safe receptacle from time to time until all ballots are drawn therefrom, when such ballots shall be returned to the talesman box to be drawn in like manner as before, all other ballots drawn when jurors do not appear or do not serve, except when permanent disability or exemption is shown shall be returned to the receptive boxes from which drawn.

When regular panel is exhausted, clerk may draw from talesman box.

Ballots returned to box.

SEC. 8. If at the time of drawing the regular jurors for any term there shall not be sufficient number of ballots in the first box to draw the number required by law, or the order of the court or judge, then the names shall be drawn from the third box. The court or judge thereof, either before or during the term, may order as many additional jurors drawn for the term, or for the trial of any particular case as may be deemed necessary, which drawing shall be in the same manner as for the original and regular panel, except no notice thereof need be published.

Where number of ballots in first box is insufficient.

SEC. 9. Any officer whose duty it is to perform any of the services before or hereafter mentioned who shall intentionally fail to perform them as required by law, or who shall act corruptly in the discharge of such duties, or any of them, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by imprisonment in the county jail not less than six months nor more than one year, and shall forfeit his office, and the court in which such conviction is had shall enter also judgment of removal and declaring the office vacant.

Failure of officers to perform duties required by law.

Penalty.

Forfeiture of office.

SEC. 10. At least twenty days prior to the first day of each and every term at which a grand or petit jury is required to be selected, the county auditor, clerk of the district court and county recorder shall meet at the court house and proceed

Officers to meet and draw jury.

- Sheriff to serve notice on persons drawn. to draw the jury as provided in this act, and the clerk of the district court shall immediately issue his precept to the sheriff of the county commanding him to serve the persons so drawn, and when from any cause the persons so summoned fail to appear, or the court shall determine that either the grand or the petit jurors have been illegally drawn, selected or summoned the court may set aside the precept under which they were summoned and direct a sufficient number drawn and summoned in the manner provided by this act, except no notice of such drawing need be published, and the drawing may be done forthwith and the jurors required to appear immediately, or at such time as the court may fix.
- Court may set aside the precept and order a new drawing. SEC. 11. The county auditor shall prior to the assessment for the year 1896, and for every third year thereafter, send with the assessment books to the township assessors, printed instructions in regard to their duties with reference to the jury lists. And if such lists are not returned as herein provided the auditor or judge of the district court may order the same made, or completed if defective and returned, and when so returned they shall have the same force and effect as if returned and filed at the proper time.
- Printed instructions to be sent township assessor. SEC. 12. Any of the acts required to be performed by any officer under this act may be performed by his deputy duly appointed.
- When lists not returned on time, or defective. SEC. 13. Section 230 of chapter 10 of title 3 of the code of 1873 is amended by inserting the words, "twenty-five" dollars in the place of "ten" dollars in said section. Section 233 is amended by striking out the words, "or empanel a jury from the bystanders." All statutes and parts of statutes in conflict with this act are hereby repealed, but this repeal shall not take effect before July 1, 1895.
- Deputies may act. SEC. 14. The officers performing services under this act shall receive such compensation for services thereunder as the board of supervisors may fix, not exceeding three dollars a day for time actually employed in rendering such services.
- Sec. 230 of Code amended. Approved April 26, 1894.
- Penalty for contempt reduced to ten dollars.
- Compensation for services.

CHAPTER 71.

- H. F. 163. AN ACT to amend section four thousand two hundred and seventy-five (4275) of the Code as amended by chapter thirty-eight, laws of 22, General Assembly, relating to grand jurors.

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

- Sec. 4275 Code amended. SECTION 1. That section 4275 of the Code of Iowa, as amended by chapter thirty-eight (38) of the acts of the Twenty-second General Assembly, be and the same is hereby amended as follows:

Grand juries may have clerks not members thereof. That the words "that in counties having a population as shown by the last preceding census of twenty thousand or over" be stricken out.

Approved April 2nd, 1894.