

HOUSE No. 469.

Bill accompanying the petition of Gideon B. Abbott for legislation to establish a jury commission, especially in the city of Boston. Joint Judiciary. January 22.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Six.

AN ACT

To establish a Jury Commission for the City of Boston.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There shall be a board of jury com-
2 missioners for the city of Boston, consisting of two
3 persons, representing the two leading political par-
4 ties, residents of the city of Boston for the five years
5 preceding their appointment, one of whom shall,
6 before the first day of July, nineteen hundred and
7 six, and every five years thereafter, be appointed
8 by the governor, with the advice and consent of the
9 council, and shall hold his office for a term of five
10 years, and until his successor is appointed and qual-
11 ified, and the other shall, before the first day of

12 July, nineteen hundred and six, be appointed by the
13 governor, with the advice and consent of the council,
14 and shall hold his office for a term of three years
15 and until his successor has been appointed and qual-
16 ified, said successor shall, before the first day of
17 July, nineteen hundred and nine, and every five
18 years thereafter, be appointed by the governor, with
19 the advice and consent of the council, and shall hold
20 his office for a term of five years and until his suc-
21 cessor is appointed and qualified. And they may be
22 removed in a like manner. Said commissioners
23 shall be sworn, and the governor shall designate one
24 member of the board to be the chairman.

1 SECTION 2. When any matter or question shall
2 arise upon which the commissioners cannot agree.
3 then the chief justice of the superior court, or some
4 other justice of the court named by him, shall be
5 called in, and the matter or question shall be sub-
6 mitted to him for decision, and said decision shall
7 be final.

1 SECTION 3. The board shall annually, before the
2 first day of March, prepare a list of such inhabitants
3 of the city of Boston, of good moral character, of
4 sound judgment, and free from all legal exceptions,
5 not absolutely exempt from jury service, as they
6 think qualified to serve as jurors: *provided, how-*
7 *ever,* that they shall place no name on said list until
8 they, or such agents as they shall appoint, shall have
9 investigated, by inquiries in their home district, or
10 place of employment or business, or otherwise, the
11 general reputation and character of each name se-
12 lected for such service. Said list shall include not

13 less than one for every one hundred inhabitants of
14 the city of Boston, nor more than one for every
15 sixty inhabitants, according to the latest census,
16 state or national. Said list when completed shall be
17 posted by said board for at least ten days, before
18 the first day of March, in at least two public places
19 in said city of Boston. Immediately after said lists
20 have been posted the commissioners shall cause the
21 names as posted to be written each on a separate
22 ballot, and shall roll or fold the ballots so as to re-
23 semble each other, as much as possible, and so that
24 the name written thereon shall not be visible on the
25 outside, and shall place the ballots in a box which
26 shall be kept for that purpose. Said box shall be
27 kept in a safe or vault when not being used at the
28 public drawings of jurors. If any person whose
29 name has been so placed in the jury box is convicted
30 of any crime, or is guilty of gross immorality, his
31 name shall be removed from the box by the com-
32 missioners and he shall not be returned to serve as
33 a juror. When jurors are to be drawn in the city
34 of Boston, the commissioners shall meet with the
35 chief justice of the municipal court of Boston, on
36 the Monday following the day on which notice is
37 served that jurors are wanted, in their public office,
38 and the chairman of the board shall, without seeing
39 the names written thereon, openly draw a number
40 of ballots equal to the number of jurors required.
41 He shall announce clearly and distinctly the names
42 of the jurors so drawn, and shall pass the ballots
43 drawn by him to the chief justice, who shall exam-
44 ine and verify them, and the chief justice shall then
45 pass the ballots to the other commissioner, who
46 shall also announce clearly and distinctly the names

47 upon the ballots, and shall return the same to the
48 box after making the endorsements thereon re-
49 quired by law. The names so drawn shall be pub-
50 lished in at least two daily newspapers, published
51 in Boston, on the day following said drawing.

1 SECTION 4. In order that the jury commissioners
2 shall have all possible aid and information in their
3 selection of names for jury service, the following
4 boards and persons shall do as follows:—The
5 board of election commissioners of the city of Bos-
6 ton shall give to the jury commissioners all data
7 and information in their possession regarding the
8 qualifications of any person or persons liable to be
9 called for jury service; they shall also annually, on
10 or about the first day of August, transmit to the
11 said jury commissioners at least two complete cop-
12 ies of the descriptive voting lists of the city of Bos-
13 ton; they shall also give to said jury commissioners
14 all other information that said commissioners may
15 request from time to time. The board of police of
16 the city of Boston shall annually, on or before the
17 first day of July, transmit to the jury commission-
18 ers at least two printed copies of the complete list
19 of persons listed by them in the city of Boston;
20 they shall also transmit weekly a complete list of
21 all persons, residents of Boston, arrested, together
22 with their residences, ages, occupations and cause
23 of arrest; they shall also make such inquiries and
24 investigations and give such information as may be
25 requested by the said jury commissioners. All
26 clerks and probation officers of municipal courts of
27 Boston, all commissioners or trustees of pauper,
28 penal or insane institutions of Boston, and the

29 prison commissioners of Massachusetts shall trans-
30 mit monthly to the jury commissioners, the names
31 of all persons, residents of Boston, who are con-
32 victed, or held for a higher court, or taken on pro-
33 bation, or who are placed or confined in any of the
34 various institutions above named, together with
35 their residences, ages and occupations. The regis-
36 trar of deaths for the city of Boston shall transmit
37 weekly to the jury commissioners a complete list
38 of all male persons, residents of Boston, above the
39 age of twenty years, who have died, together with
40 their residences, ages and occupations.

1 SECTION 5. All employers or other persons who
2 may be called upon for any information as to the
3 moral character or general reputation of any name
4 being investigated by the jury commissioners, or
5 their agents, who shall refuse to give such informa-
6 tion, or who shall give false information, shall be
7 liable to the penalties hereinafter set forth.

1 SECTION 6. No applications for jury service or
2 list of names for such service shall be presented to
3 the jury commissioners under the penalties here-
4 inafter set forth.

1 SECTION 7. Any person or persons refusing to
2 comply with any or all the provisions of this act,
3 shall be liable to a fine of not less than ten dollars
4 or more than one hundred dollars, or to not more
5 than one year's imprisonment for each offence.

1 SECTION 8. The city of Boston shall pay an an-
2 nual salary of twenty-five hundred dollars to each

3 of the jury commissioners, and a further sum not
4 to exceed fifteen thousand dollars to defray the ex-
5 penses of the commission.

1 SECTION 9. All acts or parts of acts not in con-
2 formity with this act are hereby repealed.

1 SECTION 10. Chapter one hundred and seventy-
2 six, section twenty-one, Revised Laws, is hereby
3 amended by inserting the words:— or the jury com-
4 missioner,— after the words “ city clerk,” in line
5 two.

1 SECTION 11. This act shall take effect upon its
2 passage.