

SENATE No. 80.

SENATE, Feb. 19, 1894.

[Introduced on leave by Senator KITTREDGE of Suffolk. Read and referred to joint committee on the Judiciary.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-four.

AN ACT

To improve the Jury Service of the Commonwealth, and to establish Commissioners for the Selection of Jurors.

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. The governor shall, with the advice and
2 consent of the council, appoint, for each of the counties
3 of the Commonwealth, three persons, to be jury service
4 commissioners, for the selection of jurors from the cities
5 and towns within the county or counties for which such
6 commissioners shall be appointed.

7 The term for which the members of each commission
8 shall hold office shall be three years, and until their
9 respective successors are appointed and qualified, except
10 that one member of each commission, first to be appointed

11 under this act, shall hold office for the term of one year,
12 one for the term of two years, and one for the term of
13 three years, respectively, and until their successors are
14 appointed and qualified.

15 And the governor may, in the same manner, appoint
16 three commissioners for two or more counties to hold
17 office for the terms and in the manner herein before
18 provided.

1 SECT. 2. If a vacancy occurs in either of said com-
2 missions, the governor shall, in the same manner,
3 appoint some person to serve out the unexpired term,
4 and may, in like manner, remove any member of either
5 of said commissions.

6 In case of the temporary absence or disability of a
7 member of either of said commissions, or of a vacancy
8 therein, the other two members may perform the duties
9 of such commission during such absence, disability or
10 vacancy.

1 SECT. 3. Each member of said commissions shall,
2 before entering upon the duties of the office, be sworn
3 to the faithful discharge thereof; and each of said com-
4 missions shall choose one of their number as chairman,
5 one as clerk, and keep records of all their proceedings.

1 SECT. 4. Each commission shall, as often as once in
2 each year, prepare a separate list for each of the cities
3 and towns, within the county or counties for which such
4 commission is appointed, of such inhabitants of said
5 cities and towns, not absolutely exempt, as they deem
6 well qualified to serve as jurors, and being persons of
7 good moral character, of sound judgment, and free from
8 all legal objections, which lists, for towns, shall include
9 not less than one for every three hundred inhabitants of

10 a town, and not more than one for every two hundred
11 inhabitants thereof; and for cities, not less than one for
12 every five hundred inhabitants of a city, and not more
13 than one for every four hundred inhabitants thereof,
14 computing by the then last census; except that in the
15 county of Dukes county any one list may include one for
16 every thirty inhabitants.

1 SECT. 5. All the lists, when so prepared, shall be
2 signed by the commissioners who prepared the same, or
3 by a majority thereof, and duly transmitted by them to
4 the city clerk of each of the cities, and to the town clerk
5 of each of the towns for which such lists were prepared;
6 and the mayor and aldermen of each city and the select-
7 men of each town to which such lists have been trans-
8 mitted shall forthwith cause certified copies of such
9 lists to be posted for ten days in public places in each
10 of the cities and towns for which such lists were pre-
11 pared, and either of said lists may thereafter be amended
12 by the commissioners who prepared the same, by adding
13 or striking names therefrom within the year in which
14 copies of such lists are posted, and without further post-
15 ing. But no list, when so amended, shall contain more
16 names than is provided in section four.

1 SECT. 6. No person shall be named on said lists, or
2 be qualified to serve as juror, who has been convicted
3 of any crime.

1 SECT. 7. Section twenty-five of chapter one hundred
2 and seventy of the Public Statutes is hereby amended
3 by striking out the words "except as provided in the
4 preceding section," in the third and fourth lines thereof,
5 and section thirty-six of said chapter is hereby amended
6 by striking out, in the second line thereof, the word
7 "two," and substituting therefor the word "three."

1 SECT. 8. The commissioners shall each be paid five
2 dollars per diem for every day of actual service, and
3 their necessary travelling and other expenses, to be paid
4 from the treasuries of their respective counties, and
5 when three commissioners are appointed for more than
6 one county, their fees and expenses shall be paid from
7 the treasuries of the counties for which such commis-
8 sioners are appointed, in equal proportions.

1 SECT. 9. Sections six, seven, nine, twenty-three, and
2 twenty-four of chapter one hundred and seventy of the
3 Public Statutes, and chapter one hundred and twenty-
4 three of the acts of the year eighteen hundred and
5 eighty-eight, are hereby repealed; from and after the
6 thirty-first day of October in the year eighteen hundred
7 and eighty-nine, and thereafter, all existing laws not
8 hereby repealed, which are applicable to jury lists, and
9 the manner of drawing jurors, shall apply to jury lists
10 prepared under the provisions of this act.

11 But this repeal shall not affect any act done or right
12 accrued and established under laws existing previously
13 to such repeal, or affect the validity of the drawing or
14 qualification of any grand jurors or other jurors drawn
15 under the laws existing before said repeal shall take
16 effect, to serve in whole or in part after said repeal shall
17 take effect; but all such jurors so drawn shall serve for
18 the time, suit, prosecution, proceeding, or purpose for
19 which they were drawn.

1 SECT. 10. For the purpose of appointing said com-
2 missioners, this act shall take effect on the first day of
3 August in the year eighteen hundred and ninety-four,
4 and for all other purposes, on the first day of November
5 in the year eighteen hundred and ninety-four.