

No. 577

AN ACT

To further amend the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, two hundred forty-four), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," by abolishing the jury board, and transferring its powers and duties to the jury commissioners.

Section 3, act
of April 16, 1925
(P. L. 244),
amended.

Section 1. Be it enacted, &c., That section three of the act, approved the sixteenth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, two hundred forty-four), entitled "An act applying to third class counties only, and regulating the selection, drawing, and summoning of all jurors and talesmen, and defining their qualifications in such counties; creating a jury board and defining its powers and procedure; providing for the appointment of a clerk to the jury board and fixing his maximum salary; providing for the custody of the jury wheel, and the filing and custody of jury lists; providing for the public drawing of jurors and the methods thereof; giving the trial judge the right to excuse jurors; prescribing the time of challenging jurors or the array, and regulating the procedure if array is quashed; repealing all acts or parts of acts inconsistent therewith," is hereby amended to read as follows:

Selection of Jurors for Jury List

Section 3. On or before the tenth day of October of each year each [member of the jury board] *jury commissioner* shall deliver to the clerk a list containing the names of said [member's] *commissioner's* proportionate share of the number of qualified jurors required for jury service for the ensuing year as established by the court of common pleas in its last order filed on the subject, and in addition thereto fifty names of other persons qualified for jury service. The clerk shall eliminate from said lists any duplicate names, and the persons from whose lists said duplicates have been eliminated shall furnish substitutes therefor. All of these lists shall be published in two newspapers of general circulation in the county if the court so orders. The clerk shall combine these lists into one complete list arranged

alphabetically and shall deliver a copy of this complete list to each [member of the jury board] *jury commissioner* on or before October fifteenth. Between the fifteenth and thirtieth days of November in each year at a date and hour to be [fixed by the president judge, of which the other members of the board shall have due notice, the jury board] *agreed on by them the jury commissioners* shall meet [in the office of the president judge] and shall select from the complete list the jurors for the official jury list hereinafter referred to. [By a vote of a majority of the members of the jury board any names not exceeding three hundred in number may be stricken from the complete list, or by a vote of all the members of the jury board less one any] *Any number of names may be stricken from said list. If so many names are stricken from the complete list that there will be a deficiency of jurors for the ensuing year the jury [board shall by a vote of at least all members of the board less one] commissioners shall select qualified substitutes. Substitutes shall be proposed by the [members of the jury board in rotation] jury commissioners alternately.* The names of persons approved for jury service as herein provided, with their addresses and occupations, shall be typewritten by the clerk upon a list to be known as the official jury list, alphabetically according to the jurors' surnames, and shall be numbered consecutively beginning with number one. This list shall be in duplicate and shall be signed by the jury commissioners, [by at least two judges of the court of common pleas] and by the clerk to the jury [board] *commissioners*. One copy of this list shall be filed in the office of the prothonotary and shall be open to inspection by order of the court, and the other copy shall be delivered to the president judge of the court of common pleas and be open to inspection by any judge of said court. At any time before the names on said list are placed in the jury wheel any name on said list may be stricken off by [a vote equaling that of all the members of the jury board less one, and by the same vote] *the jury commissioners and other names may be substituted therefor. [if the board desires to do so]*

Section 2. Section four of said act is hereby amended to read as follows:

Placing Names in Jury Wheel

Section 4. The names, occupations, addresses, and numbers on said official jury list shall be typewritten by the clerk upon separate and uniform slips of paper, and shall be folded so as to conceal the names on these slips, and be placed by the clerk in the jury wheel in the presence of the jury commissioners. [and at least one judge of the court of common pleas] This shall be

Section 4.
amended.

done at a time fixed by order of the president judge soon after the last drawing from the wheel during the current calendar year. The court may by order filed prescribe the form of the jury wheel and its lock and the care and custody of said wheel and the keys thereto. The wheel shall be emptied and its contents destroyed after the last drawing of jurors in the calendar year. Within ten days after the approval of this act the jury commissioners and the sheriff of each county of the third class shall deliver to the president judge of the court of common pleas the jury wheel and the keys thereto.

Section 5, as amended by section 1, act of April 11, 1929 (P. L. 495), further amended.

Section 3. Section five of said act, as amended by section one of the act, approved the eleventh day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, four hundred ninety-five), is hereby further amended to read as follows:

Drawing of and Notices to Jurors

Section 5. The issuing of writs commanding the impaneling and summoning of jurors to serve as jurors in the trial of any issue triable by a jury in the several courts of the counties affected by this act, and to serve as grand jurors, shall be as now provided by law, except the appropriate writs shall be directed [not as heretofore] to the sheriff and commissioners [but to the jury board] commanding [it] *them* to impanel and summon such jurors as required under the law, or by order or praecepe of any of the several courts of the respective third class counties affected by this act. [After the jury boards, as herein provided for, are organized all] *All* drawings of jurors and the proceedings incident to said drawings shall be as follows: At least thirty days before each term of court there shall be drawn from the jury wheel nameslips equaling the number of jurors which the jury [board has] *commissioners have* been directed to impanel and summon for each week of said term of court, and at least thirty days before the commencement of the grand jury there shall be drawn from said wheel twenty-four nameslips of jurors to be summoned for said grand jury. The names, occupations, addresses and numbers of the persons so drawn for jury service shall be typewritten upon a list, and the list shall be posted in the office of the prothonotary and clerk of the court at least twenty-five days before the first day of the week of court or the session of grand jury for which said jurors are chosen. These lists shall be signed by [at least two of the judges of the court of common pleas, and by at least two] *both of the* jury commissioners, and also by the clerk of the jury [board] *commissioners*. The jurors so chosen shall, at least twenty days before the first day of the week of

court or session of the grand jury for which they have been drawn for service, be notified to appear for service at the proper time by card duly mailed to the proper address and signed by the sheriff with a postage-prepaid return-card attached to said notice, setting forth that notice to appear at the hour and date therein stated is accepted. This return card shall be addressed to the sheriff. The citizens to whom cards have been mailed and from whom return-cards have not been received five days after the cards were mailed to them shall be served personally by the sheriff of the county or his deputies with notice to appear for jury service at the proper time. These summonses for jury services whether by card duly mailed or by personal service shall be deemed summonses of the court, and disobedience to them shall be considered the same as disobedience to any other summons of the court. The sheriff shall be entitled to charge the county, on his fee account, one dollar and mileage for each person summoned, and shall be paid all the necessary expenses incurred by him or his deputies or clerks for serving such jury notices by mail or personally.

Section 4. Section six of said act is hereby amended to read as follows:

Section 6,
amended.

Method of Drawing Jurors

Section 6. All drawings of all jurors [after the organization of the jury board] shall take place in one of the court rooms [selected by the chairman of the board] at a time fixed by [him, of which time and place the other members of the jury board shall have at least three days' notice] *the jury commissioners*. The clerk shall announce or advertise the time and place of said drawing of jurors in two newspapers of general circulation, all of which shall be located in the county seat of the county, not more than ten days nor less than three days before the time of said drawing. The drawing shall be [in the presence of at least one jury commissioner and at least one judge of the court of common pleas and shall be] open to the public. The nameslips shall be drawn singly from the wheel by any person whom the [judge or judges present at the drawing] *jury commissioners* may there appoint for that purpose. The name, number, address, and occupation, as the same appear on the nameslips, shall be read by any person there appointed for that purpose, [by the judge or judges present] and shall be compared by the clerk of the jury board with the corresponding name, number, address, and occupation on the official jury list. If the name, number, address, and occupation correspond the clerk shall immediately copy the same in a

book called the "jury book." After the nameslips have been copied in the jury book and the jury book entry compared and found to be correct, the nameslips shall be immediately sealed in an envelope by the clerk and on said envelope and in said jury book the specific week or weeks of jury service for which said jurors whose names are on said slips are drawn shall be entered. These nameslips shall be held for safekeeping as the court shall direct until the end of the year, when they shall be destroyed unless the court shall order otherwise.

Section 10,
amended.

Section 5. Section ten of said act is hereby amended to read as follows:

Proceedings if Array is Quashed

Section 10. When the array of jurors returned at any court shall be quashed by reason of any fault or irregularity in the selection of said array of jurors the court shall forthwith order another public drawing of jurors in the manner provided in this act to take the place of the jurors on the quashed array, and said jurors shall be legal jurors for the week for which the jurors in said quashed array were drawn. The court shall prescribe what notice shall be given of the names, occupations, and addresses of the persons thus drawn so as to conform as nearly as may be practicable under the circumstances to the notice of and to jurors drawn as prescribed by sections five and six of this act. If there has been any fundamental irregularity in filling the jury wheel, the court of common pleas may upon satisfactory proof of said irregularity order the wheel emptied and then refilled with names of persons qualified for jury service. Said names shall be selected by the jury [board] *commissioners* and as nearly as possible according to the procedure prescribed in this act, except that the same shall be done within a time to be prescribed by the court.

Section 1,
repealed.

Section 6. Section one of said act is hereby repealed.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 578

AN ACT

To amend section one of the act, approved the sixth day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, one hundred twenty-five), entitled "An act regulating State tax on certain county offices," as amended, regulating the payment over to the county of excess earnings of county officers.

Section 1, act of
May 6, 1874 (P.
L. 125), as last
amended by act
of March 30,
1921 (P. L. 69),
further amended.

Section 1. Be it enacted, &c., That section one of the act, approved the sixth day of May, one thousand eight