If trespasser is a chief, he may be suspended, in addition.

the chief or headman of a band or tribe, in addition to the penalties above provided for, it shall be the duty of the superintendent of Indian affairs in his district to suspend the said trespasser from his office for three months, and during that time to deprive him of all the benefits and emoluments connected therewith: *Provided*, That the said chief or headman may be sooner restored to his former standing if the superintendent shall so direct.

APPROVED, June 14, 1862.

June 16, 1862.

CHAP. CII. — *An Act providing for the Selection of Jurors to serve in the several Courts in the District of Columbia.*

List of persons best qualified to serve as jurors to be made,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Register of Washington city, and of the respective clerks of the city of Georgetown and the Levy Court of Washington county, in the District of Columbia, within one month after the passage of this act, and on or before the first day of February in each year thereafter, to make a list of such of the white male citizens, tax-payers, residing within their respective jurisdictions, as they shall judge best qualified to serve as jurors in the courts of the said District, in which lists may be included, in the discretion of the officer making the same, the names of such qualified persons as were on the list of the previous year but did not serve as jurors, and

where to be kept.

the lists thus made by the register and clerks aforesaid shall be kept by them, respectively, and be delivered over to their successors in office.

Names to be selected from the list.

SEC. 2. *And be it further enacted*, That the officers aforesaid shall select from the list of the register of Washington city the names of four hundred persons, from that of the clerk of Georgetown eighty persons, and from that of the clerk of the levy court forty persons, which proportion, after the year eighteen hundred and sixty-three, may be varied from year to year according to the increase or decrease of population in the respective jurisdictions, by order of the judges of the circuit court of Washington county.

Who shall be exempt from jury duty.

SEC. 3. *And be it further enacted*, That the Mayors of the cities of Washington and Georgetown, all judicial officers, salaried officers of the Government of the United States, commissioners of police, and those connected with the police or fire department, counsellors and attorneys at law, ministers of the gospel and priests of every denomination, practising physicians and surgeons, keepers of hospitals, asylums, almshouses, or other charitable institutions created by or under the laws relating to the District of Columbia, captains and masters and other persons employed on vessels navigating the waters of said District, and keepers of public ferries, shall be exempt from jury duty, and their names shall not be placed in the list aforesaid.

Their names not to be placed on the list.

Names, how placed in jury box.

SEC. 4. *And be it further enacted*, That the names selected from said lists shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names cannot be seen, and placed in a box, to be provided by the register and clerks aforesaid, which box shall be sealed, and after being thoroughly shaken, shall be delivered to the clerk of the circuit court of Washington county for safe-keeping.

Box to be sealed and where kept.

Drawing of grand and petit jurors.

SEC. 5. *And be it further enacted*, That the said register and clerks, and the clerk of the circuit court, shall, at least ten days before the commencement of each term of the circuit or of the criminal court, meet at the City Hall in Washington city, and then and there the clerk of the circuit court shall publicly break the seal of said box and proceed to draw therefrom the names of so many persons as are required; and if the jury

Criminal court.

about to be drawn is intended for service in the criminal court, the twenty-three persons whose names shall be first drawn shall constitute the grand jury; and the twenty-six persons whose names shall next be drawn shall

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constitute the petit jury for that term; but in a capital case where the said panel shall have been exhausted by reason of challenge or otherwise, the court before whom such capital case is pending may, in its discretion, order additional names to be drawn; and if all of the names in the box shall have been drawn out and no jury found, the court may order the marshal to summon talesmen until a jury shall be found. And if a jury be required for the circuit court, the twenty-six persons whose names shall first be drawn shall constitute the jury for that term, and the names of the persons drawn as aforesaid shall not be again placed in such box for the period of two years. If any person whose name is so drawn shall have died or removed from the District, or has become otherwise disabled from serving as a juror, the said register and clerks shall draw from the box another name, who shall serve instead; and after the requisite number of jurors shall have been so drawn, the said box shall be again sealed and delivered to the clerk of the circuit court as aforesaid.

Drawing of jurors in capital cases.

Talesmen.

Circuit court.

SEC. 6. *And be it further enacted*, That it shall be the duty of the marshal of the District of Columbia, at least five days before the meeting of the court for which a jury is required, to notify each person drawn, by serving on him a notice in writing of his selection as a juror of the court he is to attend, and of the day and hour he is to appear; which notice shall be given to each juror in person, or be left at his usual place of residence; a copy of which notice, with his certificate stating when and in what manner the original was served, shall be returned by the said marshal to the court before the commencement of the term for which the said jurors were drawn.

Those drawn as jurors, how notified.

Service of notice.

Officer's return.

SEC. 7. *And be it further enacted*, That in case either of the officers whose duty it is make out the lists aforesaid shall neglect or refuse to act, or in case either of them shall be interested in any action or proceeding pending in the said circuit or criminal court, the chief judge of the circuit court shall appoint a fit and proper person to discharge the duty instead; and if the persons selected as jurors do not attend, the court may order the marshal to summon other respectable tax-payers, possessing the other legal qualifications, to supply the deficiency. And if at any time there should not be, by reason of challenge or otherwise, a sufficient number of jurors to make up the panel, the court shall order the marshal to summon as many talesmen as are necessary for that purpose.

Proceedings if officers neglect, &c. to make lists,

if jurors do not attend,

if the panel is incomplete.

SEC. 8. *And be it further enacted*, That no person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, a good and lawful man, who has never been convicted of a felony or misdemeanor involving moral turpitude. And a person may be excused by the court from serving on a jury when, for any reason, his interests or those of the public will be materially injured by his attendance, or when he is a party in any action or proceeding to be tried or determined by the intervention of a jury at the term for which he may be summoned, or where his own health or the death or sickness of a member of his family requires his absence.

Qualifications of jurors.

Excuses from serving as jurors.

SEC. 9. *And be it further enacted*, That if any officer named in the first section of this act shall put on the list he is required to make, the name of any person at his own request, or on the request of any other person, or shall be guilty of any fraud or collusion with respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and imprisoned in the county jail not less than sixty days, for each and every offence. And if the clerk of the circuit court shall draw from the box a greater number of names than is required by the court, in accordance with the provisions of this act, or shall put in said box any name after the same has been delivered to him as aforesaid, or shall be guilty of any fraud or collusion in

Penalty for putting certain persons on list, or for fraud, &c. in drawing,

for drawing too large a number.

for wrongfully putting name in box.

Penalty for any fraud or collusion in drawing jurors.

respect to the drawing of jurors, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and be imprisoned in the county jail not less than sixty days, for each and every offence.

Persons notified to serve as jurors neglecting to attend, to be fined.

Sec. 10. *And be it further enacted*, That if any person selected as a juror and duly notified to attend according to the requirements of this act, shall, without sufficient cause, neglect to attend agreeably to such notice, he shall be fined by the court in a sum not exceeding twenty dollars for every day he shall be absent during the sitting of said court.

Names on lists to be taken in due proportions from several wards, &c.

Sec. 11. *And be it further enacted*, That the names on the lists specified in the second section of this act shall be selected, as near as may be, from among the citizens of the several wards of the cities of Washington and Georgetown, and the three divisions of the county of Washington outside the limits of said cities formed by the Eastern branch of the Potomac River and Rock Creek, in proportion to the number of taxable inhabitants residing in said wards and districts, respectively.

Approved, June 16, 1862.

June 17, 1862.

Chap. CIII. — *An Act defining additional Causes of Challenge and prescribing an additional Oath for Grand and Petit Jurors in the United States Courts.*

Additional causes of challenge of grand and petit jurors in the United States courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the existing causes of disqualification and challenge of grand and petit jurors in the courts of the United States, the following are hereby declared and established, namely; without duress and coercion to have taken up arms, or to have joined any insurrection and rebellion, against the United States; to have adhered to any rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or any thing whatever, to or for the use or benefit of any person or persons whom the person giving such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist with force of arms, the execution of the laws of the United States, or whom he had good ground to believe had joined, or was about to join, any insurrection or rebellion, or had resisted, or was about to resist, with force of arms, the execution of the laws of the United States, and to have counselled and advised any person or persons to join any insurrection and rebellion, or to resist with force of arms the laws of the United States.

Additional oath for grand and petit jurors.

Sec. 2. *And be it further enacted*, That at each and every term of any court of the United States, the district attorney, or other person acting for and on behalf of the United States in said court, may move, and the court in their discretion may require the clerk to tender to each and every person who may be summoned to serve as a grand or petit juror or venireman or talesman in said court, the following oath or affirmation, viz: "You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms, or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, had joined, or was about to join, said insurrection and rebellion, or had resisted, or was about to resist, with force of arms, the execution of the laws of the United States; and that you have not counselled or advised any person or persons to join any rebellion against, or to resist with force of arms, the laws of the United States." Any person or persons declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

Persons declining to take such oath shall be discharged.