



THIRD GUAM LEGISLATURE  
1955 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 48, "An Act to amend the Penal Code of Guam by adding Title XIII thereto, providing for juries and trial by jury in felony cases within the jurisdiction of the District Court of Guam and to amend the Code of Civil Procedure of Guam by adding Chapter 8 to Title VIII of the Code of Civil Procedure providing for juries and trial by jury in civil cases within the jurisdiction of the District Court of Guam", was on the 6th day of July, 1955, duly and regularly passed.

  
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F. B. LEON GUERRERO  
Speaker

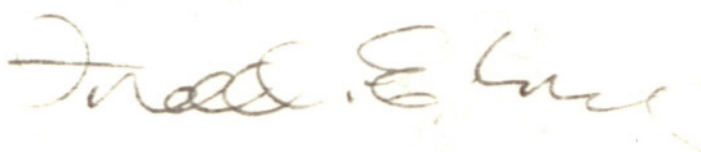
ATTESTED:

  
\_\_\_\_\_  
A. S. N. DUENAS  
Legislative Secretary

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This Act was received by the Governor this \_\_\_\_\_ day of July, 1955 at \_\_\_\_\_ o'clock \_\_\_\_\_ . M.

  
\_\_\_\_\_  
R. S. HERMAN  
Secretary of Guam

APPROVED:

  
\_\_\_\_\_  
FORD Q. ELVIDGE  
Governor of Guam

Dated: JUL 30 1955

P. k. 3-42

1 Bill No. 43

2 Substitute Bill by  
3 Committee on Judiciary

4 An Act to amend the Penal Code of Guam by adding  
5 Title XIII thereto, providing for juries and trial  
6 by jury in felony cases within the jurisdiction of  
7 the District Court of Guam and to amend the Code of  
8 Civil Procedure of Guam by adding Chapter 8 to Title  
9 VIII of the Code of Civil Procedure providing for  
10 juries and trial by jury in civil cases within the  
11 jurisdiction of the District Court of Guam.

12 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

13 Section 1. Part II of the Penal Code of Guam is hereby amended  
14 by adding Title XIII thereto to read as follows:

15 "TITLE XIII

16 JURIES; TRIAL BY JURY

17 Section 1571. Trial by jury. Any person accused by information  
18 of a felony in the District Court of Guam shall be entitled to a trial  
19 by jury, and the Federal Rules of Criminal Procedure heretofore or  
20 hereafter promulgated shall be applicable thereto.

21 Section 1572. Qualifications. Any citizen of the United States  
22 who has attained the age of 21 years and who has resided anywhere within  
23 the territory of Guam for a period of six months, immediately prior to  
24 jury service, is competent to serve as a juror, unless:

25 (1) He has been convicted in a state, territorial,  
26 or federal court of record of a crime punishable by  
27 imprisonment for more than one year and his civil rights  
28 have not been restored by pardon or amnesty;

29 (2) He is unable to read, write, speak and  
30 understand the English language;

31 (3) He is incapable, by reason of mental or  
32 physical infirmities, to render efficient jury service;

(4) He is incompetent to serve as a juror by  
any law of the territory of Guam.

Section 1573. Exemptions. The following persons shall be



1       except from jury service:

2               (1) Members in actual service in the armed  
3       forces of the United States;

4               (2) Members of the Fire or Police Departments of  
5       the territory of Guam or employees of government contractors  
6       engaged in providing internal security protection or fire  
7       protection by such contractors;

8               (3) Public officers of the executive, legislative  
9       or judicial branches of the government of the United  
10       States or of the government of Guam who are actively  
11       engaged in the performance of official duties.

12       Section 1574. Exclusion or excuse from service.

13               (a) The district judge, for good cause, may  
14       excuse or exclude from jury service any person called  
15       as a juror.

16               (b) Any class or group of persons may, for the  
17       public interest, be excluded from the jury panel or  
18       excused from service as jurors by order of the district  
19       judge based on a finding that such jury service would  
20       entail undue hardship, extreme inconvenience or serious  
21       obstruction or delay in the fair and impartial adminis-  
22       tration of justice.

23               (c) No citizen shall be excluded from service  
24       as a juror on account of race or color.

25       Section 1575. Manner of drawing; jury commissioners and their  
26       compensation. The names of jurors shall be publicly drawn from a box  
27       containing the names of not less than two hundred qualified persons at  
28       the time of each drawing.

29               The jury box shall, from time to time, be refilled by the clerk  
30       of the District Court, or his deputy, and a jury commissioner appointed  
31       by the court with the approval of the Judicial Council of Guam.

32               Such jury commissioner shall be a citizen of good standing.



1 He shall receive \$10 per day for each day necessarily employed in the  
2 performance of his duties.

3 The jury commissioner and the clerk of the District Court, or  
4 his deputy, shall alternately place one name in the jury box until the  
5 box shall contain at least two hundred names or such larger number as  
6 the court determines.

7 Section 1576. Special jurors; talesmen from bystanders.

8 (a) Whenever sufficient jurors are not available,  
9 the court may require the United States Marshal to summon  
10 a sufficient number of talesmen from the bystanders.

11 Section 1577. Summoning jurors. When a court orders a jury to  
12 be drawn, the clerk, or his deputy, shall issue summons for the required  
13 number of jurors and deliver them to the United States Marshal for  
14 service.

15 Each person drawn for jury service may be served personally or  
16 by registered mail addressed to such person at his usual residence or  
17 business address.

18 Such service shall be made by the marshal, who shall attach to  
19 his return the addressee's receipt for the registered summons, where  
20 service is made by mail.

21 Section 1578. Disqualification of marshal or deputy. Whenever  
22 the United States Marshal or his deputy is, in the opinion of the court,  
23 disqualified to summon jurors, the court may appoint some disinterested  
24 person who shall take an oath to perform such duty truly and impartially.

25 Section 1579. Frequency of service. A juror may be challenged  
26 on the ground that he has been summoned and served as a juror within one  
27 year prior to the challenge.

28 Section 1580. Fees. Jurors shall receive the following fees  
29 for actual attendance at the place of trial and for the time necessarily  
30 occupied in going to and from such place, at the beginning and end of  
31 such service or at any time during the same: \$7.00 per day, except that  
32 any juror required to attend more than thirty days in hearing one case



1 may be paid, in the discretion and upon the certification of the district  
2 judge, a per diem fee not exceeding \$10.00 for each day in excess of  
3 thirty days which he is required to hear such case.

4 For the distance necessarily traveled to and from a juror's  
5 residence by the shortest practicable route in going to and returning  
6 from the place of service, at the beginning and at the end of the term  
7 of service, and for all additional necessary daily transportation  
8 expense: 7 cents per mile, except that if daily travel appears  
9 impracticable, subsistence of \$5.00 per day shall be allowed. Whenever  
10 in any case the jury is ordered to be kept together and not to separate,  
11 the cost of subsistence during such period shall be paid upon the order  
12 of the court in lieu of the foregoing subsistence allowance."

13 Section 2. Effective date: Title XIII of the Penal Code shall  
14 be applicable to all offenses amounting to a felony committed on or after  
15 October 1, 1955.

16 Section 3. Chapter 8 is hereby added to Title VIII of the Code  
17 of Civil Procedure of Guam to read:

18 "CHAPTER 8

19 TRIAL BY JURY

20 Section 880.1. In (civil cases) within the jurisdiction of the  
21 District Court of Guam, the parties shall be entitled to a trial by jury  
22 and the Federal Rules of Civil Procedure heretofore or hereafter promulgated  
23 shall be applicable thereto.

24 Section 880.2. Qualifications. Any citizen of the United States  
25 who has attained the age of 21 years and who has resided anywhere within  
26 the territory of Guam for a period of six months, immediately prior to  
27 jury service, is competent to serve as a juror, unless:

28 (1) He has been convicted in a state, territorial,  
29 or federal court of record of a crime punishable by  
30 imprisonment for more than one year and his civil rights  
31 have not been restored by pardon or amnesty;

32 (2) He is unable to read, write, speak and



1 understand the English language;

2 (3) He is incapable, by reason of mental or  
3 physical infirmities, to render efficient jury service;

4 (4) He is incompetent to serve as a juror by any  
5 law of the territory of Guam.

6 Section 680.3. Exemptions. The following persons shall be  
7 exempt from jury service:

8 (1) Members in actual service in the armed  
9 forces of the United States;

10 (2) Members of the Fire or Police Departments  
11 of the territory of Guam or employees of government  
12 contractors engaged in providing internal security  
13 protection or fire protection by such contractors;

14 (3) Public officers of the executive, legislative  
15 or judicial branches of the government of the United  
16 States or of the government of Guam who are actively  
17 engaged in the performance of official duties.

18 Section 680.4. Exclusion or excuse from service.

19 (a) The district judge, for good cause, may  
20 excuse or exclude from jury service any person called  
21 as a juror.

22 (b) Any class or group of persons may, for the  
23 public interest, be excluded from the jury panel or  
24 excused from service as jurors by order of the district  
25 judge based on a finding that such jury service would  
26 entail undue hardship, extreme inconvenience or serious  
27 obstruction or delay in the fair and impartial adminis-  
28 tration of justice.

29 (c) No citizen shall be excluded from service as  
30 a juror on account of race or color.

31 Section 680.5. Manner of drawing; jury commissioners and their  
32 compensation. The names of juror shall be publicly drawn from a box



1 containing the names of not less than two hundred qualified persons at  
2 the time of each drawing.

3 The jury box shall, from time to time, be refilled by the clerk  
4 of the District Court, or his deputy, and a jury commissioner appointed  
5 by the court with the approval of the Judicial Council of Guam.

6 Such jury commissioner shall be a citizen of good standing.  
7 He shall receive \$10 per day for each day necessarily employed in the  
8 performance of his duties.

9 The jury commissioner and the clerk of the District Court, or  
10 his deputy, shall alternately place one name in the jury box until the  
11 box shall contain at least two hundred names or such larger number as  
12 the court determines.

13 Section 680.6. Special jury; talesmen from bystanders.

14 (a) Whenever sufficient jurors are not available,  
15 the court may require the United States Marshal to summon  
16 a sufficient number of talesmen from the bystanders.

17 Section 680.7. Summoning jurors. When the court orders a jury  
18 to be drawn, the clerk, or his deputy, shall issue summons for the  
19 required number of jurors and deliver them to the United States Marshal  
20 for service.

21 Each person drawn for jury service may be served personally or  
22 by registered mail addressed to such person at his usual residence or  
23 business address.

24 Such service shall be made by the marshal, who shall attach to  
25 his return the addressee's receipt for the registered summons, where  
26 service is made by mail.

27 Section 680.8. Disqualification of marshal or deputy. Whenever  
28 the United States Marshal or his deputy is, in the opinion of the court,  
29 disqualified to summon jurors, the court may appoint some disinterested  
30 person who shall take an oath to perform such duty truly and impartially.

31 Section 680.9. Frequency of service. A juror may be challenged  
32 on the ground that he has been summoned and served as a juror within



1 one year prior to the challenge.

2 Section 680.10. Challenges. In civil cases, each party shall  
3 be entitled to three peremptory challenges. Several defendants or  
4 several plaintiffs shall be considered as a single party for the  
5 purposes of making challenges. If there is more than one defendant  
6 the court may allow the defendants additional peremptory challenges and  
7 permit them to be exercised separately or jointly.

8 All challenges for cause or favor, whether to array or panel or  
9 to individual jurors, shall be determined by the court."

10 Section 680.11. Fees. Jurors shall receive the following fees  
11 for actual attendance at the place of trial and for the time necessarily  
12 occupied in going to and from such place, at the beginning and end of  
13 such service or at any time during the same: \$7.00 per day, except that  
14 any juror required to attend more than thirty days in hearing one case  
15 may be paid, in the discretion and upon the certification of the district  
16 judge, a per diem fee not exceeding \$10.00 for each day in excess of thirty  
17 days which he is required to hear such case.

18 For the distance necessarily traveled to and from a juror's  
19 residence by the shortest practicable route in going to and returning from  
20 the place of service, at the beginning and at the end of the term of  
21 service, and for all additional necessary daily transportation expense:  
22 7 cents per mile, except that if daily travel appears impracticable,  
23 subsistence of \$5.00 per day shall be allowed. Whenever in any case  
24 the jury is ordered to be kept together and not to separate, the cost of  
25 subsistence during such period shall be paid upon the order of the court  
26 in lieu of the foregoing subsistence allowance."

27 Section 4. Chapter 8 of Title VIII of the Code of Civil  
28 Procedure shall be applicable to all actions tried in the District  
29 Court of Guam after October 1, 1955.