

CHAPTER XXXI.

An Act to provide for Struck Juries for the trial of issues in the District Court.

- SECTION 1. Struck Juries, how drawn—duty of sheriff.
2. How to proceed in case sheriff is an interested party.
 3. Fees for striking jury, and by whom paid.
 4. Said jurors may be continued as jurors at a subsequent term.
 5. In case party entitled to challenge more than two jurors, provisions of this act shall not extend to such trial.
 6. Fees of Clerks and Sheriffs.
 7. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That whenever a struck jury shall be deemed necessary, by either party thereto, for the trial of the issue in any action or proceeding now pending, or hereafter commenced in the district court, or brought there by appeal or otherwise, it shall be lawful for such party to file with the clerk of the court, a demand in writing for such jury, whereupon it shall be the duty of such clerk to forthwith deliver a certified copy of such demand to the sheriff of the county, who shall give to both parties, four days notice of the time of striking the same. At the time designated, said sheriff shall attend at his office, and in the presence of the parties, or their attorneys, or such of them as shall attend for that purpose, shall select from the number of persons qualified to serve as jurors within the county, forty such persons as he shall think most indifferent between the parties, and best qualified to try such issue; and then the party requiring such jury, his agent or attorney shall first strike off one of the names, and the opposite party, his agent or attorney another, and so on alternately, until each shall have struck out twelve. If either party shall not attend in person, or by attorney, it shall be the duty of the sheriff to strike for the party not attending. When each party shall have stricken out twelve names, as aforesaid, the sheriff

Struck Juries how drawn—duty of sheriff

shall make a fair copy of the names of the remaining sixteen persons, and shall certify the same under his hand to be the list of jurors struck for the trial of such cause or proceeding, and shall deliver the same to the clerk, who shall thereupon issue and deliver to the sheriff or other officer, a venire facias, with the names in said list contained, annexed thereto; and such sheriff or other officer, shall summon the persons named, according to the command of such writ; and upon the trial of the cause, the jury so struck shall be called as they stand upon the pannel, and the first twelve of them who shall appear, and are not challenged for cause, or set aside by the court, shall be the jury, and shall be sworn to try the issue joined in said cause or proceeding.

SEC. 2. That if the said sheriff shall be interested in the cause or proceeding, or related to either of the parties, or does not stand indifferent between them, the judge of the said court may name some judicious and disinterested person to strike the jury, and to do and perform all things required to be done by such sheriff, relating to the striking of the same; but in no case shall it be necessary to strike such jury more than six days previous to the term of the court at which the action or proceeding is to be tried, and three days service of the venire shall be held sufficient.

SEC. 3. That the party requiring such struck jury, shall pay the fees for striking the same, and the legal fees for mileage and attendance, for each juror so attending, and shall not have any allowance therefor in the taxation of costs.

SEC. 4. That a jury struck for the trial of any issue at a particular term of the court, may be continued with the continuance of the cause, and summoned as jurors at a subsequent term, provided both parties consent thereto, but not otherwise.

SEC. 5. That the provisions of this act shall not extend to the trial of any indictment for any offence where the party indicted is entitled to challenge peremptorily, or without cause shown, more than two jurors.

SEC. 6. That the clerk and the sheriff, or other person performing the services required by this act,

In case sheriff interested party—
how to proceed

Fees for striking
jury, how paid

Jurors may be
continued at a sub-
sequent term

Limitation of pro-
visions of this act

shall receive therefor like fees and compensation as is provided for similar services in other cases, to be paid as is provided in section three aforesaid. Fees of clerks and sheriffs

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved February 20, 1864.

CHAPTER XXXII.

An Act to amend Chapter one hundred and four of the Compiled Statutes, relating to Grand Juries.

- SECTION 1. Amendment to Section 30. Upon certain inquiries the defendant may be indicted—
 proviso.
 2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section thirty, of chapter one hundred and four, of the public statutes of the State of Minnesota, page seven hundred and fifty-two, as amended by chapter twenty-nine of the general laws of the State of Minnesota, for the year 1863, be so amended as to read as follows :

Section 30. Upon such inquiry, if from the evidence, the grand jury believe any person charged with a public offence to be guilty of the same, or any other offence, they shall find an indictment against such person. *Provided*, That such person shall have been previously held by a magistrate to answer the charges, or some one of them, for which he may be so indicted, or shall have been so previously held to answer any charge based upon the criminal act, or arising out of the same facts or some part thereof, which may be the subject of such indictment. When defendant may be indicted—proviso