

CHAPTER LXXXI.

*An Act to amend title fourteen of chapter sixty-five of the general statutes relating to jurisdiction of justices in criminal cases, and the proceedings therein.* March 9, 1867

- SECTION 1.—Sheriff to make out a list of eighteen jurors to try causes in certain cases.  
 2.—Parties on conviction may appeal on giving sureties.  
 3.—Parties appealing to serve notice on county attorney stating what grounds appeal taken on.  
 4.—When act shall take effect.

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

SECTION 1. That section one hundred and thirty-nine of chapter sixty-five of the general statutes be amended so as to read as follows: March 7, 1867

*Section one hundred and thirty-nine.* After the joining of issue and before the court proceeds to the investigation of the merits of the action, unless the accused expressly waives his right to a trial by jury, the court shall direct the sheriff or any constable of the county to make a list in writing of the names of eighteen of the inhabitants of the county qualified to serve as jurors in the district court, from which list the complainant and accused may each strike out six names. Amendment

SEC. 2. That section one hundred and forty-nine of said chapter be amended so as to read as follows:

*Section one hundred forty-nine.* The person charged with and convicted by any such justice of any such offense may appeal from the judgment of such justice to the district court: *Provided*, Said person shall, within five days, enter into a recognizance with one or more sufficient sureties conditioned to appear before said court and abide the judgment of the court therein, and in the meantime, to keep the peace and be of good behavior; and the justice from whose judgment an appeal is taken, shall make a special return of the proceedings had before him, and cause the warrant, complaint and return, together with the recognisance, to be May appeal

filed in said district court on or before the first day of the term thereof next to be holden for said county, and the complainant and witnesses may also be required to enter into recognizance with or without sureties in the discretion of the justice, to appear at said district court at the time last aforesaid, and to abide the order of the court therein.

Further amends

Sec. 3. That section one hundred and fifty of said chapter be amended so as to read as follows:

*Section one hundred and fifty.* The party appealing shall, within ten days after such conviction, serve a notice upon the county attorney of the county, or in case of his absence from the county, or in case there is no county attorney, on the clerk of the district court for said county, specifying generally the grounds of his appeal as follows, to wit: That the appeal is taken on questions of law alone, or upon questions of fact alone, or upon questions of law and fact. If upon questions of law alone, the cause shall be tried in the district court upon the return of the justice. If upon questions of fact alone, it shall be tried in the same manner as if originally commenced in the district court. If upon questions of fact and law, it shall be tried in the same manner as if commenced in the district court; *Provided*, That no questions of law shall be raised or tried in the district court unless the same was raised in the court below and duly excepted to, except objections to the jurisdiction of the court, or that the complaint does not state facts constituting a public offence.

Appeals to be valid

All appeals heretofore taken under section one hundred forty-nine of said chapter, in which no notice has been served, as required by said section one hundred and fifty of said chapter, shall be valid and effectual as if such notice had been served as therein required; *Provided*, That the party appealing shall, at least ten days before the first day of the term at which said appeal is returnable, serve such notice as required by section three of this act.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, March 9, 1867.