

charged in the indictment is punishable with death or imprisonment in the state prison, may direct the person accused to be tried in some other county in the same or any other judicial district in the state, where a fair and impartial trial can be had; but the party accused is entitled to a change of venue but once and no more.

SEC. 2. Section two of said chapter is hereby amended so as to read as follows:

Sec. 2. When the venue is changed to another county in a criminal case the trial shall be conducted in all respects as if the indictment had been found in the county to which the venue is changed, and the cost accruing from a change of venue shall be paid by the county in which the offense was committed.

Proceeding when venue is changed.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 24, 1870.

## CHAPTER LXXVI.

*An Act to amend Chapter One Hundred and Seventeen, of the Statutes of Minnesota, relating to appeals and writs of error in criminal cases.*

March 8, 1870.

SECTION 1. Amendment to Chapter One Hundred and Seventeen (117) of the General Statutes, by adding the following:

11. When proceedings of trial upon indictment may be stayed.
  12. Other causes depending upon the same question may be stayed in like manner.
  13. The two foregoing Sections applicable to pending causes.
2. Amendment to Section One (1) of Chapter One Hundred and Seventeen (117) of the General Statutes. Writs of error may issue out of the Supreme Court.
  3. Amendment to Section Six (6) of same Chapter. Exceptions may be taken to judgment or decision of the Court.
  4. When act to take effect.

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

Amendment to former chapter.

SECTION 1. That the following sections be and are hereby added as additional sections to chapter one hundred and seventeen, page six hundred and sixty-three, of the general statutes of the State of Minnesota, viz :

When proceedings of trial may be stayed.

Sec. 11. If upon the trial of any person who shall be convicted in any district court, or in the court of common pleas of Ramsey county, or if upon any demurrer to an indictment, or to a special plea or pleas to an indictment, or upon any motion upon or relating to an indictment, any question of law shall arise which, in the opinion of the judge of such court, shall be so important, or so doubtful, as to require the decision of the supreme court, he shall, if the defendant desire it, or consent thereto, report the case, so far as may be necessary to present the question or questions of law arising therein, and certify the said report to the supreme court of the state, and thereupon all proceedings in said cause shall be stayed until the decision of said supreme court shall be made.

Other causes may be stayed in like manner.

Sec. 12. Other criminal causes in said court involving or depending upon the same questions may, if the defendants desire, or consent thereto, be stayed in like manner until the decision of the cause so certified.

Preceding sections applicable to pending causes.

Sec. 13. The two foregoing sections shall be construed to apply to any criminal causes now pending in the said courts.

SEC. 2. That section one of said chapter one hundred and seventeen, be and the same is hereby amended so as to read as follows :

Writs of error may issue out of supreme court.

Section 1. Criminal cases may be removed by the defendant to the supreme court by appeal or writ of error at any time within six months after judgment or after the decision of a motion denying a new trial ; but if the order denying a new trial is affirmed upon hearing upon the merits, no appeal shall be allowed from the judgment.

SEC. 3. That section six of said chapter be and the same is hereby amended so as to read as follows :

Exceptions may be taken to decision of the court.

Sec. 6. Any person who is convicted of a crime before the district court or court of common pleas aforesaid, being aggrieved by any opinion, direction or judgment of the court in any matter of law, may allege exceptions to such opinion, direction or judgment ; which exceptions being reduced to writing in a summary manner, and presented to the court any time before the end of the term or

at any special term thereafter which the court may designate for such purpose, and being found conformable to the truth of the case, shall be allowed and signed by the judge, and may be used on a motion for a new trial, and when judgment is rendered shall be attached to and become a part of the judgment roll.

SEC. 4. This act shall take effect from and after its passage.

When act to take effect.

Approved March 8, 1870.

## CHAPTER LXXVII.

*An Act to amend Section Nine, of Chapter Seventy, of the General Statutes, relating to fees of witnesses in criminal cases.*

March 3, 1870.

SECTION 1. Amendment to Section Nine (9) of Chapter Seventy (70) of the General Statutes.

Fees of witnesses in criminal cases.

2. When act to take effect.

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

SECTION 1. That section nine, of chapter seventy, of the general statutes, be amended so as to read as follows:

Sec. 9. Witnesses for the state in criminal cases before any court of record shall receive for such attendance, one dollar for each day, and six cents per mile in going to and returning from the place of attendance. And the judges of the district court may, in their discretion, allow fees to witnesses attending in criminal proceedings on behalf of the defendant, which shall not exceed the fees allowed by law in civil actions. Such allowances shall be certified by the clerk of the court and paid in the same manner that jurors are paid.

Fees of witnesses in criminal cases.