

SEC. 2. Substitute for sheriff, when interested—Time of striking and service.—If the said sheriff is interested in the cause or proceeding, or related to either of the parties, or does not stand indifferently 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.

Substitute for sheriff—when.

SEC. 3. Party asking for struck jury, to pay fees.—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 for attending, and shall not have any allowance therefor in the taxation of costs.

Fees, who pays

SEC. 4. Struck jury may be continued, when.—A struck jury for a 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.

May be continued—when.

SEC. 5. Limitation of provision of this title.—The provisions of this title shall not extend to the trial of any indictment for any offense where the party indicted is entitled to challenge peremptorily, or without cause shown, more than two jurors.

Limitation of act.

Approved April 24th, 1895.

CHAPTER 329.

H. F. No. 189.

*An act providing for the deposit in court of money, property or effects for which there are adverse claimants.*

Deposit of disputed property

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86-M - 195  
86-M - 232  
88-M - 356  
90-NW 384  
57-1 r a 637

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

SECTION 1. Whenever two or more persons make claim for the whole or any part of the same money, personal property or effects in the possession or control of any other person, as bailee or otherwise, and the right of any such claimant is adverse to the right of any other claimant, or is disputed or doubtful, and the bailee, custodian or person in control of any part of such property, money or effects is unable to determine to whom the same rightfully belongs, or who is rightfully entitled to the possession thereof; or when-

Money or property in dispute or garnishment to be deposited with clerk of the court.

ever such bailee, custodian or person in control has notice or knowledge of any right or claim of right of any person in or to any part of such property, money or effects, adverse to the right of any other claimant therefor; or whenever any debt, money, property or effects owing by, or in the possession or under the control of, any person may be attached by garnishment or other process and there is any dispute as to who is entitled to the same, or any part thereof, in any such case, the person in the possession or control of any such property, money or effects, when an action in any form has been commenced, for, on account of, or growing out of the same, or in which the same has been attached as aforesaid, may pay such money or deliver such property or effects, to the clerk of the court in which, or to the justice of the peace before whom, any such action having reference to said money, property, or effects, or the value thereof, may be pending, or out of which any garnishment or other process may issue with reference thereto; or, if no such suit be commenced, he may apply to the district or the municipal court of the city or the district where such property, money or effects may be situated, and, upon showing to the satisfaction of the court the existence of facts bringing him within the operation of this act, said court shall make an order designating a depository with whom said property, money or effects may be deposited by the applicant for such order. In either case, such person in the possession or control of such property, money, or effects shall at once notify, personally or by registered mail, all persons, of whose claims he may have notice or knowledge, having or claiming any interest, property, lien or right in, to or upon such property, money or effects, of such deposit; and upon giving such notice, the person so depositing the same shall thereupon be relieved from further liability to any person on account of such property, money or effects;

*Provided*, that such depositor may be required, upon the application of any party interested therein, to appear and make disclosure before the court in which any such action may be pending, or by which any order designating a depository may be made, concerning the said property, money, debts or effects, held, controlled or owned by him. If the address of any persons having or making any claim as aforesaid cannot be ascertained, an affidavit to that effect shall be filed with the depository, and the giving of such notice shall not be required in such case.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

### CHAPTER 330.

S. F. No. 161.

*An act to legalize certain corporations and to validate transfers of property made by such corporations.*

Healing act.

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

SECTION 1. That in all cases where an attempt has heretofore been made to form organize or renew any corporation under any of the general laws or statutes of the state of Minnesota, and the person so attempting to form, organize or renew any corporation have actually adopted, signed and filed in the office of the secretary of state, articles of incorporation in which the business therein specified was such as might be lawfully carried on under said laws by such corporation, and have in fact issued stock and transacted business under the corporate name therein assumed, and have in good faith received or transferred any property, real or personal, such attempted formation, organization or renewal in each and every such case is hereby legalized and declared valid and effectual under the name assumed as an incorporation under the laws of the state of Minnesota, notwithstanding the omission of any matter, thing or requirement by law prescribed to be done or observed in such formation organization or renewal thereof.

Legalizing de facto corporations.

And any and all conveyances of property, real or personal in good faith and lawful form made to or by any such body under the corporate name so assumed are hereby legalized and declared as valid and effectual for the purposes intended thereby as if such body corporate had been originally, in all things duly and legally incorporated *provided* that this act shall not apply to any suits now pending, involving the validity of such organization *Provided*, that this act shall not have the effect of reviving or renewing any corporation which has expired by limitation of time or shall have been dissolved by any court of competent jurisdiction.

Legalizing conveyances.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.