

Damages not to exceed \$10,000.

thousand dollars (\$10,000), and the amount recovered is to be for the exclusive benefit of the widow and next of kin, to be distributed to them in the same proportions as the personal property of the deceased person.

When act to take effect.

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

Approved March 1, 1889.

## CHAPTER 110.

[H. F. No. 1316.]

AN ACT ENTITLED AN ACT TO AMEND SECTIONS ONE (1), SIX (6), TWELVE (12), NINETEEN (19), TWENTY-TWO (22), FORTY-THREE (43) AND FIFTY-SEVEN (57) OF CHAPTER ONE HUNDRED AND SEVEN (107) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), AS AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTIONS ONE (1), SIX (6), TWELVE (12), NINETEEN (19), TWENTY-TWO (22), FORTY-THREE (43) AND FIFTY-SEVEN (57) OF CHAPTER ONE HUNDRED AND SEVEN (107) OF GENERAL STATUTES ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO GRAND JURIES AND REPEALING ALL LAWS INCONSISTENT THEREWITH." APPROVED MARCH TWENTY-SECOND (22nd), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), RELATING TO GRAND JURIES AND REPEALING ALL LAWS INCONSISTENT THEREWITH.

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

Grand juries.

SECTION 1. That section one (1) of chapter one hundred and seven (107) of the general statutes one thousand eight hundred and seventy-eight (1878) as amended by an act entitled "an act to amend sections one (1), six (6), twelve (12), nineteen (19), twenty-two (22), forty-three (43) and fifty-seven (57) of chapter one hundred and seven (107) of general statutes one thousand eight hundred and seventy-eight (1878), relating to grand juries, and repealing all laws inconsistent therewith," approved March twenty-second (22nd), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows:

Grand juror defined.

Section 1. A grand jury is a body of men not less than thirteen (13) nor more than fifteen (15) in number returned at stated periods from the citizens of the county before a court of competent jurisdiction, chosen by lot and

sworn to enquire of public offenses committed or triable in the county.

Time when drawn.

SEC. 2. That section six (6) of said chapter as amended by section two (2) of said act approved March twenty-second (22nd), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows: Section 6. At least fifteen days before the sitting of any district court the clerk thereof in the presence of the sheriff or his deputy and a justice of the peace shall proceed to draw the names of fifteen (15) persons from the box to serve as grand jurors at such court.

SEC. 3. That section twelve (12) of said chapter as amended by section three (3) of said act approved March twenty-second (22nd), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows:

Section 12. Not more than fifteen (15) nor less than thirteen (13) persons can be sworn on a grand jury nor can a grand jury proceed to any business unless thirteen (13) members at least are present.

Number required to be present.

SEC. 4. That section nineteen (19) of said chapter as amended by section four (4) of said act approved March twenty-second (22nd), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows:

Section nineteen (19). If a challenge to an individual grand juror is allowed he can not be present at or take part in the consideration of the charge against the defendant who interposed the challenge, or the deliberation of the grand jury thereon, but his place may be filled as provided for in case of a deficiency of grand jurors in section ten (10) of said chapter.

Challenging.

SEC. 5. That section twenty-two (22) of said chapter as amended by section five (5) of said act approved March twenty-second (22nd), one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended so as to read as follows:

Section 22. The grand jury shall then be sworn according to law and if afterwards any grand juror appears and is admitted as such the same oath shall be administered to him.

Oath.

SEC. 6. That section forty-three (43) of said chapter as amended by section six (6) of said act approved March 22nd, 1889, be and the same is hereby amended so as to read as follows:

Section forty-three (43). No presentment can be found without the concurrence of at least twelve (12) grand jurors. When so found it shall be signed by the foreman whether he is one of the twelve (12) so concurring or not.

Twelve must concur.

SEC. 7. That section fifty-seven (57) of said chapter as amended by section seven (7) of said act approved March twenty-second (22nd), eighteen hundred and eighty-nine

(1889), be and the same is hereby amended so as to read as follows:

Indictments,  
twelve must  
concur.

Section fifty-seven (57). No indictment can be found without the concurrence of at least twelve (12) grand jurors; when so found it shall be endorsed "a true bill" and the endorsement signed by the foreman of the grand jury whether he is one of the twelve (12) so concurring or not

Acts repealed.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act, except acts relating to particular counties are hereby repealed, except as to any grand juries heretofore drawn and any acts done by them the laws heretofore in force shall remain in full force and effect, notwithstanding the passage hereof.

When act to  
take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 15, 1889.

## CHAPTER III.

[H. F. No. 248.]

AN ACT TO AMEND SECTION THREE (3), CHAPTER SEVENTY-FIVE (75), GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO COSTS IN ACTIONS TO DETERMINE ADVERSE CLAIMS TO REAL PROPERTY.

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

Costs in  
actions to  
determine  
adverse claims  
to real  
property.

SECTION 1. That section three (3) chapter seventy-five (75) of general statutes of eighteen hundred and seventy-eight (1878), be and the same is hereby amended by adding thereto the following: "But if the summons has been served upon the defendant personally, and it is made to appear that, after the cause of action has accrued and before the commencement of the action, the plaintiff has demanded in writing of defendant, and defendant has neglected to furnish within a reasonable time thereafter, a good and sufficient quit-claim deed to the property described in the complaint, upon tender of such deed ready for execution, the plaintiff shall nevertheless recover his costs."

When act to  
take effect.

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

Approved March 8, 1889.