

S. F. No. 511.

CHAPTER 328.

Struck juries.

95 C 328

97 - 13

65-M - 106

67-M - 105

69-M - 103

68-NW 53

69-NW 718

72-NW 55

An act to provide for struck juries and re-enacting sections fifteen (15) sixteen (16) seventeen (17) eighteen (18) and nineteen (19) of chapter 71 of the general statutes of Minnesota of one thousand eight hundred and seventy-eight (1878), relating to struck juries.

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

When and how
obtained.

SECTION 1. Struck Jury, When and How to be Obtained.—Whenever a struck jury is deemed necessary, by either party, for the trial of the issue in any action or proceeding in the district court, or brought there by appeal or otherwise, such party may file with the clerk of the court, a demand in writing for such jury, whereupon such clerk shall 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 attend for that purpose, shall select from the number of persons qualified to serve as jurors in 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 has struck out twelve. If either party shall not attend in person, or by his attorney, the sheriff shall strike for the party not attending. When each party has stricken out twelve names, as aforesaid, the sheriff shall make a fair copy of the names of the remaining sixteen persons, and 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 panel and the first twelve of them who shall appear, and are not challenged for a 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; *provided*, that if a sufficient number does not appear for the trial of said cause, the court shall cause talesmen to be called as in other cases.

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

95 c 329
 86-M - 195
 86-M - 232
 88-M - 356
 90-NW 384
 87-1 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.