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THE

PUBLIC STATUTES

OF THE

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CHAPTER 110.

CHANGE OF VENUE IN CRIMINAL CASES.

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SECTION

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[Chapter 124, Revised Statutes.]

Criminal cases where tried, &c.

(1.) SEC. CXXXVIII. All criminal causes shall be tried in the county where the offense was committed, except where otherwise provided by law, unless it shall appear to the satisfaction of the court, by affidavit, that a fair and impartial trial cannot be had in such county, in which case the court before whom the cause is pending, if the offense charged in the indictment be punishable with death or imprisonment in the territorial prison, may direct the person accused, to be tried in some adjoining county, where a fair and impartial trial can be had; but the party accused shall be entitled to a change of venue but once, and no more.

Proceedings when venue is changed.

(2.) SEC. CXXXIX. When the venue is changed to an adjoining 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 costs accruing from a change of venue shall be paid by the county in which the offense was committed.

When venue is changed, defendant must recognize to appear.

(3.) SEC. CXL. When the court has ordered a change of venue, they shall require the accused, if the offense be bailable, to enter into a recognizance with good and sufficient sureties, to be approved by the court or judge, in such sum as the court or judge may direct, conditioned for his appearance in the court to which the venue is changed, at the first day of the next term thereof, and to abide the order of such court; and in default of such recognizance, a warrant shall be issued, directed to the sheriff, commanding him safely to convey the prisoner to the jail of the county where he or she is to be tried, there to be safely kept by the jailor thereof until discharged by due course of law.

When venue is changed, witnesses must recognize to appear.

(4.) SEC. CXLI. When a change of venue is allowed, the court shall recognize the witnesses on the part of the United States, to appear before the court in which the prisoner is to be tried.

District attorney may apply for change of venue.

(5.) SEC. CXLII. The attorney on behalf of the United States, may also apply for a change of venue, and the court being satisfied that it will promote the ends of justice, may award a change of venue upon the same terms, and to the same extent, that are provided in this chapter, and the proceedings on such change of venue, shall be in all respects as above provided.