

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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1872.

CHAPTER CXIII.

CHANGE OF VENUE IN CRIMINAL CASES.

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SECTION

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Criminal causes, where tried—place of trial changed, when—only one change allowed.

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Trial, how conducted when venue is changed—costs.

Recognizance required, when—warrant issued, when.

Court shall cause witnesses to give recognizance to appear.

State may have change of venue, when.

SECTION 1. All criminal causes shall be tried in the county where the offense was committed, except where otherwise provided by law, unless it appears to the satisfaction of the court, by affidavit, that a fair and impartial trial can not be had in such county, in which case the court before whom the cause is pending, if the offense charged in the indictment is punishable with death or imprisonment in the state 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 is entitled to a change of venue but once and no more.

SEC. 2. 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.

SEC. 3. When the court has ordered a change of venue, it shall require the accused, if the offense is 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, and 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, or if the offense is not bailable, a warrant shall be issued, directed to the sheriff, commanding him safely to convey the prisoner to the jail of the county where he is to be tried, there to be safely kept by the jailor thereof until discharged by due course of law.

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

SEC. 5. The attorney on behalf of the state 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.