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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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4 evidence establishes the existence of a state of mind on the
 5 part of the juror in reference to the case, or to either party,
 6 which satisfies them, in the exercise of a sound discretion,
 7 that he cannot try the issue impartially and without preju-
 8 dice to the substantial rights of the party challenging; and
 9 that, if otherwise, they shall find the challenge not true.
 10 The court can give them no other instruction.

c114

C. S. p. 775, Sect. 35.

1 SECT. 31. The triers shall thereupon find the challenge
 2 either true or not true; and their decision is final. If they
 3 find it true, the juror shall be excluded.

C. S. p. 775, Sect. 36.

1 SECT. 32. All challenges to an individual juror, shall
 2 be taken first by the defendant, and then by the state; and
 3 each party, shall exhaust all his challenges before the other
 4 begins.

C. S. p. 775, Sect. 37.

1 SECT. 33. The challenges of either party need not all
 2 be taken at once; but they may be taken separately, in the
 3 following order, including in each challenge, all the causes
 4 of challenge belonging to the same class:
 5 *First.*—To the panel;
 6 *Second.*—To an individual juror, for a general disqualifi-
 7 cation;
 8 *Third.*—To an individual juror for implied bias;
 9 *Fourth.*—To an individual juror for actual bias.
 10

CHAPTER CXVII.

APPEALS AND WRITS OF ERROR IN CRIMINAL
 CASES.

c71

C. S. p. 623, Sect. 22.
 Amended.

1 SECTION 1. Criminal cases may be removed by the de-
 2 fendant to the supreme court by appeal or writ of error at
 3 any time within six months after conviction.

New.

1 SECT. 2. When an appeal is taken it shall not stay the
 2 execution of the judgment, unless an order to that effect is
 3 made by the judge who tried the cause, or a judge of the
 4 supreme court. Notice of the appeal and the order staying
 5 proceedings, if any, shall be filed with the clerk of the
 6 court where the judgment is entered and served on the
 7 attorney general.

c71

C. S. p. 624, Sect. 27.

1 SECT. 3. No writ of error upon a judgment for any
 2 capital offense, shall issue, unless allowed by one of the

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3 judges of the supreme court, after notice given to the attor-
4 ney general.

1 SECT. 4. Writs of error upon judgment in all other
2 criminal cases shall issue of course, but they shall not stay C. S. p. 624, Sect. 28. c 71
3 or delay the execution of the judgment or sentence, unless
4 allowed by one of the judges of the supreme court, with an
5 express order thereon, for a stay of proceedings on the
6 judgment or sentence.

1 SECT. 5. Upon an appeal being perfected, or a writ of New.
2 error filed with him, the clerk shall transmit to the supreme
3 court a copy of the judgment roll and of the bill of excep-
4 tions, if any.

1 SECT. 6. Any person who is convicted of an offense be- C. S. p. 778, Sect. 7. c 115
2 fore the district court, being aggrieved by any opinion, di- Amended.
3 rection or judgment of the court, in any matter of law, may
4 allege exceptions to such opinion, direction or judgment;
5 which exceptions being reduced to writing in a summary
6 mode, and presented to the court any time before the end
7 of the term, and found conformable to the truth of the case,
8 shall be allowed and signed by the judge, and be attached
9 to and become a part of the judgment roll.

1 SECT. 7. No assignment of errors or joinder in error,
2 is necessary upon any writ of error issued in a criminal case; C. S. p. 788, Sect. 46. c 118
3 but the court shall proceed on the return thereto and ren- Amended.
4 der judgment upon the record before them. If the court
5 affirms the judgment, it shall direct the sentence pronounced
6 to be executed, and the same shall be executed accordingly.
7 If it reverses the judgment rendered, it shall either direct a
8 new trial, or that the defendant be absolutely discharged,
9 as the case may require.

1 SECT. 8. If upon appeal or writ of error a party is ad- C. S. p. 778, Sect. 9. c 115
2 mitted to bail, he may recognize to the state of Minnesota Amended.
3 in such sum as the judge shall order, with sufficient sure-
4 ties for his personal appearance at the supreme court of the
5 then next term thereof, and to enter and prosecute his ex-
6 ceptions with effect, and abide the sentence thereon, and in
7 the mean time keep the peace, and be of good behavior;
8 and the judge may in his discretion allow any person so to
9 recognize, charged with an offense not punishable with
10 death.

1 SECT. 9. If any person, so appealing or taking a writ
2 or error, does not so recognize, he shall be committed to
3 prison to await the decision of the supreme court, and in
4 that case, the clerk of the court in which the conviction was

5 had, shall file a certified copy of the record and proceedings
6 in the case in the supreme court, and the court shall have
7 cognizance thereof and consider and decide the questions of
8 law, and shall render judgment, or make such order thereon
9 as law and justice require; and if a new trial is ordered, the
10 cause shall be remanded to the said district court for such
11 new trial.

c71

C. S. p. 624, Sect. 31.
Amended.

1 SECT. 10. If any of the provisions herein made requi-
2 site to the taking of an appeal or a writ of error, are not
3 complied with, the supreme court may dismiss the same, but
4 no discontinuance, or dismissal of an appeal or writ of error
5 in the supreme court, shall preclude the party from suing
6 out another writ of error or taking another appeal, in the
7 same cause within the time limited by law.

CHAPTER CXVIII.

JUDGMENTS IN CRIMINAL CASES, AND THE
EXECUTION THEREOF.

c118

C. S. p. 735, Sect. 43.

1 SECTION 1. When judgment upon a conviction is ren-
2 dered, the clerk shall enter the same upon the minutes,
3 stating briefly the offense for which the conviction was had,
4 and immediately annex together, and file the following pa-
5 pers which constitute the judgment roll:
6 *First.*—A copy of the minutes of challenge interposed
7 by the defendant to the panel of the grand jury, or to an
8 individual grand juror, and the proceedings and decisions
9 thereon;
10 *Second.*—The indictment, and a copy of the minutes of
11 the plea, or demurrer;
12 *Third.*—A copy of the minutes of any challenge, inter-
13 posed to the panel of the trial jury to an individual juror,
14 and the proceedings and decision thereon;
15 *Fourth.*—A copy of the minutes of the trial;
16 *Fifth.*—A copy of the minutes of the judgment;
17 *Sixth.*—The bill of exceptions, if there is one.

c116

C. S. p. 770, Sect. 4.

1 SECT. 2. Whenever any person convicted of an offense
2 is sentenced to pay a fine, or costs, or to be imprisoned in
3 the county jail, or state prison, the clerk of the court shall,
4 as soon as may be, make out and deliver to the sheriff of
5 the county, or his deputy, a transcript from the minutes of
6 the court, of such conviction and sentence, duly certified
7 by such clerk, which shall be a sufficient authority for such