

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

ST. PAUL:
WEST PUBLISHING CO.
1888.

***§ 14v. Who to be selected.**

In preparing such lists the board shall select such persons as they know or have good reason to believe are possessed of the necessary qualifications for jurors, and are not exempt by law from such service. (*Id.* § 4.)

***§ 14w. Power of county commissioners withdrawn.**

The board of county commissioners within and for said county shall have no further authority or power in selecting the jury-lists for said county, and are hereby prohibited from further doing the same. (*Id.* § 5.)

STRUCK JURIES.

§ 15. Manner of obtaining.

Chapter 45, Laws 1881, providing that, in Hennepin county, petit jurors shall be summoned to appear on the second Tuesday of each general term of the district court, does not amend or change the statute as to the time when a struck jury shall be drawn. *Mark v. St. Paul, Minneapolis & Manitoba Ry. Co.*, 32 Minn. 209, 20 N. W. Rep. 131.

Proceedings under sections 15 and 16, for the purpose of obtaining a struck jury, must be instituted before the commencement of the term at which the cause is tried. *O'Brien v. City of Minneapolis*, 22 Minn. 378.

A party has no right of peremptory challenge to any of the list of sixteen on the *venire* for a struck jury. *Branch v. Dawson*, 36 Minn. 193, 30 N. W. Rep. 545. The provisions of the statute as to the mode of summoning grand and petit jurors are applicable to struck juries. *Id.*

CHAPTER 72.

OATHS AND ACKNOWLEDGMENTS.

TITLE 1.

OF PERSONS REQUIRED TO TAKE OATHS, WHO MAY ADMINISTER THE SAME,
AND THE FORMS THEREOF.

§ 3. Who may administer oaths.

See *City of Minneapolis v. Wilkin*, 30 Minn. 140, 143, 14 N. W. Rep. 581.

§ 8. (Sec. 5.) Forms of oaths.

The proper oath to be administered to a jury impaneled to try the issue on an appeal from an assessment of damages made by commissioners appointed under Gen. St. c. 34, is the one prescribed by this section "to be administered to petit jurors, impaneled for the trial of any civil action or proceeding." *Knauft v. St. Paul, S. & T. F. R. Co.*, 22 Minn. 173. Followed, *Wilkin v. St. Paul, etc.*, R. Co., 22 Minn. 177.

A proceeding for bastardy is not a criminal action, and the proper oath to be administered to the jury in such case is the one prescribed by this section for the trial of civil actions. *State v. Worthingham*, 23 Minn. 528.

TITLE 2.

ACKNOWLEDGMENTS.

***§ 17. Forms of acknowledgments.**

That the following forms of acknowledgments may be used in the case of conveyances or other written instruments affecting real estate; and any ac-
SUPP.GEN.ST.—48

knowledge so taken and certified shall be sufficient to satisfy all requirements of law relating to the execution or recording of such instruments:

(Begin in all cases by a caption specifying the state and place where the acknowledgment is taken.)

1. In the case of natural persons acting in their own right:

On this _____ day of _____, 18—, before me personally appeared A. B., (or A. B. and C. D.,) to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that he (or they) executed the same as his (or their) free act and deed.

2. In the case of natural persons acting by attorney:

On this _____ day of _____, 18—, before me personally appeared A. B., to me known to be the person who executed the foregoing instrument in behalf of C. D., and acknowledged that he executed the same, as the free act and deed of said C. D.

3. In the case of corporations or joint-stock associations:

On this _____ day of _____, 18—, before me appeared A. B., to me personally known, who, being by me duly sworn, (or affirmed,) did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association,) and that the seal affixed to said instrument is the corporate seal of said corporation, (or association,) and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its board of directors, (or trustees,) and said A. B. acknowledged said instrument to be the free act and deed of said corporation, (or association.)

(In case the corporation or association has no corporate seal, omit the words, "the seal affixed to said instrument is the corporate seal of said corporation (or association) and that," and add, at the end of the affidavit clause, the words, "and that said corporation (or association) has no corporate seal.")

(In all cases add signature and title of the officer taking the acknowledgment.) (1883, c. 99, § 1.)

***§ 18. By married women.**

When a married woman unites with her husband in the execution of any such instrument, and acknowledges the same in one of the forms above sanctioned, she shall be described in the acknowledgment as his wife, but in all other respects her acknowledgment shall be taken and certified as if she were sole; and no separate examination of a married woman in respect to the execution of any release of dower, or other instrument affecting real estate, shall be required. (*Id.* § 2.)

CHAPTER 73.

WITNESSES AND EVIDENCE.*

TITLE 1.

WITNESSES.

§ 7. Competency of witnesses.

Prior to the amendment, (Laws 1868, c. 70, § 1,) in a criminal prosecution one defendant was not competent as a witness on behalf of a co-defendant until after discharge or

* See as to probate of heirship, c. 49, *§§ 7a, 7b, *ante*.