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THE  
REVISED STATUTES,  
OF THE  
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE  
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

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SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

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1851

closed, and shaken, so as to intermingle the ballots therein, the clerk must then, without looking at the ballots, draw them from the box, through a hole in the lid, so large only as conveniently to admit the hand.

SEC. 154. When the jury is completed, the ballots containing the names of the jurors sworn, must be laid aside, and kept apart from the ballots containing the names of the other jurors, until the jury so sworn is discharged.

Ballots of jurors drawn how disposed of.

SEC. 155. After the jury are so discharged, the ballots, containing their names, must be again folded, and returned to the box; and so on, as often as a trial is had.

Ballots of jurors drawn how disposed of.

SEC. 156. If a juror be absent, when his name is drawn, or be set aside, or excused from serving on the trial, the ballot containing his name must be folded, and returned to the box, as soon as the jury is sworn.

Ballots of absent jurors how disposed of.

SEC. 157. When by reason of challenge, or otherwise, a sufficient number of jurors duly drawn and summoned, cannot be obtained for the trial of any cause, civil or criminal, the court shall cause jurors to be returned from the by-standers, or from the county at large, to complete the panel.

When court may order by-standers to be summoned.

SEC. 158. The jurors so returned from the by-standers, shall be returned by the sheriff or his deputy, or by a coroner, or by any disinterested person appointed therefor by the court.

Jurors so summoned how returned.

SEC. 159. The persons so returned shall be such as are qualified and liable to be drawn as jurors, according to the provisions of law.

Jurors so returned to be qualified jurors.

SEC. 160. The jury consists of twelve men, chosen by lot, as prescribed in this chapter, and sworn to try and determine the issue by an unanimous verdict

Jury to consist of twelve men.

SEC. 161. If a sufficient number cannot be obtained from the box to form a jury, the court may, as often as is necessary, order the sheriff to summon so many persons, qualified to serve as jurors, as it deems sufficient to form a jury, the jurors so summoned must be called from the list returned by the sheriff, and so many of them, not excused or discharged, as may be necessary to complete the jury, must be impanelled and sworn.

When court may order additional jurors summoned.

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CHAPTER 127.

CRIMINAL CALENDAR.

SECTION

- 162. Clerk to prepare calendar.
- 163. Issues on the calendar how disposed of.
- 164. After plea, defendant entitled to four days for trial.

SECTION

- 165. Clerk to keep a register; register what to contain.
- 166. Register to be submitted to the court at the commencement of term.

SEC. 162. The clerk must prepare a calendar of the indictments pending to be tried at the term, enumerating them according to the date of the filing of the indictment, and specifying opposite to the title of each action, whether it be for a felony, or a misdemeanor, and whether

Clerk to prepare calendar.

CHALLENGING JURORS, &c.

the defendant be in custody or on bail, and must in like manner, enter therein all indictments found during the term, and on which issues of fact are joined.

Issues on the calendar how disposed of.

SEC. 163. The issues on the calendar, must be disposed of in the following order, unless, upon the application of either party, for good cause, the court direct an indictment to be tried out of its order:

1. Indictments for felony, where the defendant is in custody;
2. Indictments for misdemeanor, where the defendant is in custody;
3. Indictments for felony, where the defendant is on bail; and,
4. Indictments for misdemeanor, where the defendant is on bail.

After plea, defendant entitled to four days for trial.

SEC. 164. After his plea, the defendant is entitled to at least four days to prepare for his trial, if he requires it.

Clerk to keep a register.

SEC. 165. The clerk must keep a register of all the criminal actions in the court, in which he must enter:

Register what to contain.

1. All cases returned to the court by a magistrate, whether the defendant be discharged or held to answer:

2. All indictments found in the court, or sent or removed thereto for trial, with the time of finding the indictment, or when it was sent or removed; and,

3. The time of arraignment, of the demurrer, or plea, and of the trial, conviction or acquittal of the defendant, together with a brief note of all the other proceedings in the action.

Register to be submitted to the court at the commencement of term.

SEC. 166. The register must be submitted to court at its opening at every term.

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CHAPTER 128.

OF CHALLENGING JURORS, &c.

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SECTION

- 167. When cause may be postponed; affidavit must be filed.
- 168. When defendant discharged, unless cause be shown for postponement.
- 169. Order not a bar to another prosecution.
- 170. Challenge defined.
- 171. Where there are several defendants they must join in the challenge.
- 172. Challenge to the panel defined.
- 173. Challenge to the panel on what founded.
- 174. When and how taken.
- 175. If sufficiency of the facts be denied, adverse party may except.
- 176. On such challenge, court how to proceed.
- 177. Denial of challenge how made, and trial thereof.
- 178. Who may be examined on trial of challenge.
- 179. If challenge allowed jury to be discharged.
- 180. Defendant to be informed of his right to challenge individual juror.
- 181. Kinds of challenge to individual juror.

SECTION

- 182. Challenge when taken.
- 183. Peremptory challenge how taken.
- 184. Number of peremptory challenge to which defendant is entitled.
- 185. Challenge for cause by whom taken.
- 186. Definition of challenge for cause.
- 187. General causes of challenge.
- 188. Particular causes of challenge.
- 189. Grounds of challenge for implied bias.
- 190. Grounds of challenge for actual bias.
- 191. Exemption not a ground of challenge.
- 192. Causes of challenge how stated.
- 193. Exception to challenge and denial thereof.
- 194. Challenge how tried if denied.
- 195. Triers how appointed, majority may decide.
- 196. Triers must take an oath.
- 197. Juror challenged may be examined.
- 198. Rules of evidence on trial of challenge.
- 199. Challenge for implied bias how determined.