

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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.

Decision of triers.
4 Min. 433.

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

Challenge shall be taken first by defendant.

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

Shall be taken in what order.

SEC. 33. The challenges of either party need not all be taken at once; but they may be taken separately, in the following order, including in each challenge, all the causes of challenge belonging to the same class:

- First.* To the panel;
- Second.* To an individual juror, for a general disqualification;
- Third.* To an individual juror for implied bias;
- Fourth.* To an individual juror for actual bias.

1870-143

CHAPTER CXVII.

APPEALS AND WRITS OF ERROR IN CRIMINAL CASES.

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Criminal cases, how removed to supreme court.
2 Min. 123.
2 Min. 224.
8 Min. 214.
10 Min. 63.

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

Appeal a stay, when.

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

Writ of error, by whom allowed.

SEC. 3. No writ of error upon a judgment for any capital offense, shall issue, unless allowed by one of the judges of the supreme court, after notice given to the attorney general.

Writ of error a stay, when.

SEC. 4. Writs of error upon judgment in all other criminal cases shall issue of course, but they shall not stay or delay the execution of the judgment or sentence, unless allowed by one of the judges of the supreme court, with an express order thereon, for a stay of proceedings on the judgment or sentence.

Clerk to transmit copy of judgment roll, &c.

SEC. 5. Upon an appeal being perfected, or a writ of error filed with him, the clerk shall transmit to the supreme court a copy of the judgment roll and of the bill of exceptions, if any.

SEC. 6. Any person who is convicted of an offense before the district court, being aggrieved by any opinion, direction or judgment of the court, in any matter of law, may allege exceptions to such opinion, direction or judgment; which exceptions being reduced to writing in a summary mode, and presented to the court any time before the end of the term, and found conformable to the truth of the case, shall be allowed and signed by the judge, and be attached to and become a part of the judgment roll.

Bill of exceptions.
4 Min. 379.

SEC. 7. No assignment of errors or joinder in error, is necessary upon any writ of error issued in a criminal case; but the court shall proceed on the return thereto and render judgment upon the record before them. If the court affirms the judgment, it shall direct the sentence pronounced to be executed, and the same shall be executed accordingly. If it reverses the judgment rendered, it shall either direct a new trial, or that the defendant be absolutely discharged, as the case may require.

Proceedings in appellate court.

SEC. 8. If upon appeal or writ of error a party is admitted to bail, he may recognize to the state of Minnesota in such sum as the judge shall order, with sufficient sureties for his personal appearance at the supreme court of the then next term thereof, and to enter and prosecute his exceptions with effect, and abide the sentence thereon, and in the mean time keep the peace, and be of good behavior; and the judge may, in his discretion, allow any person so to recognize, charged with an offense not punishable with death.

Recognizance, when and how given.

SEC. 9. If any person, so appealing or taking a writ of error, does not so recognize, he shall be committed to prison to await the decision of the supreme court, and in that case, the clerk of the court in which the conviction was had, shall file a certified copy of the record and proceedings in the case in the supreme court, and the court shall have cognizance thereof and consider and decide the questions of law, and shall render judgment, or make such order thereon as law and justice require; and if a new trial is ordered, the cause shall be remanded to the said district court for such new trial.

Party not giving recognizance shall be committed—duty of clerk.
3 Min. 246.

SEC. 10. If any of the provisions herein made requisite to the taking of an appeal or a writ of error, are not complied with, the supreme court may dismiss the same, but no discontinuance, or dismissal of an appeal or writ of error in the supreme court, shall preclude the party from suing out another writ of error or taking another appeal in the same cause, within the time limited by law.

Appeal or writ of error, dismissed, when—dismissal not to preclude taking another appeal or writ of error within time limited.