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GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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Ch. 113]: CHANGE OF VENUE IN CRIMINAL CASES. §§ 7313-7317.

CHAPTER 113.

CHANGE OF VENUE IN CRIMINAL CASES.

§ 7313. Place of trial—Change of venue.

All criminal causes shall be tried in the county where the offence 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 offence charged in the indictment is punishable with death or imprisonment in the state prison, may direct the person accused to be tried in some other county, in the same or any other judicial district in the state, 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.

(G. S. 1866, c. 113, § 1, as amended 1870, c. 75, § 1; G. S. 1878, c. 113, § 1.)

Upon a motion on affidavit by a defendant in a criminal case, under this chapter, for a change of venue, counter-affidavits may be used. Such an application being in the discretion of the court, the decision will not be reviewed unless there is an abuse of discretion. *State v. Stokely*, 16 Minn. 282, (Gil. 249.)

As to the discretion of the court upon an application for change of venue, see *State v. Foley*, (Iowa,) 21 N. W. Rep. 162; *State v. Hale*, (Iowa,) 22 N. W. Rep. 682; *State v. Perigo*, (Iowa,) 28 N. W. Rep. 452.

See, also, *Spittorff v. State*, (Ind.) 8 N. E. Rep. 911; *Shular v. State*, (Ind.) 4 N. E. Rep. 870.

§ 7314. Proceedings when venue is changed—Costs.

When the venue is changed to another 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.

(G. S. 1866, c. 113, § 2, as amended 1870, c. 75, § 2; G. S. 1878, c. 113, § 2.)

§ 7315. Recognizance required, when — Warrant issued, when.

When the court has ordered a change of venue, it shall require the accused, if the offence 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 offence 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.

(G. S. 1866, c. 113, § 3; G. S. 1878, c. 113, § 3.)

§ 7316. Witnesses shall give recognizance to appear.

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.

(G. S. 1866, c. 113, § 4; G. S. 1878, c. 113, § 4.)

§ 7317. State may have change of venue—Proceedings.

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.

(G. S. 1866, c. 113, § 5; G. S. 1878, c. 113, § 5.)

In a criminal case, a change of place of trial, on the application of the state, may be made from a county in one judicial district to an adjoining county in another district. *State v. Miller*, 15 Minn. 344, (Gil. 277.)