

When to take
effect.

SEC. 17. This act shall take effect and be in force from and after its passage and approval: *Provided, however,* That this act shall in no case apply to unorganized counties until they shall have been organized as provided by law.

Approved, January 15, 1875.

JURORS IN CIVIL CASES.

CHAPTER LVII.

RELATING TO CHALLENGING JURORS IN CIVIL CASES.

AN ACT relating to the challenging of jurors in civil cases.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Relating to
the challenging
of jurors.

SECTION 1. That to chapter III of title VIII of the code of civil procedure be added as section 218, the following:

Number of
challenges.

Either party to a civil action, when the trial is by jury, may challenge the jurors, but where there are several parties on either side, they must join in a challenge before it can be made. The challenges are to individual jurors, and are either peremptory or for cause. Each party is entitled to three peremptory challenges. If no peremptory challenges are taken until the twelve jurors are in the box, these must be taken by the parties alternately, commencing with the plaintiff.

On what
grounds chal-
lenges for cause
may be taken.

SEC. 2. Challenges for cause may be taken on one or more of the following grounds:

1st. A want of any of the qualifications prescribed by law, to render a person competent as a juror;

2d. Consanguinity or affinity within the fourth degree, to any party;

3d. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent to either party, or being a member of the family of either party or a partner in business with either party, or surety on any bond or obligation for either party;

4th. Having served as a juror or been a witness on a previous trial between the same parties, for the same cause of action;

5th. Interest on the part of the juror in the event of the action, or in another action begun or contemplated, involving the same or similar matter, or the main question, except his interest as a member or citizen of a municipal corporation;

6th. Having an opinion or belief as to the merits of the action founded upon knowledge of its material facts, or some of them;

7th. The existence of a state of mind in the juror evincing enmity against or bias to or against either party;

8th. Not understanding the English language as used in the courts.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed. Conflicting acts repealed.

SEC. 4. That this act shall take effect and be in force from and after the date of its passage and approval. When to take effect.

Approved, January 11, 1875.

JURY TRIAL.

CHAPTER LVIII.

TO REGULATE TRIAL BY JURY IN JUSTICES' COURTS.

AN ACT to regulate trials by jury in justices' courts, and for other purposes.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. In every civil action brought before a justice of the peace, where the value in controversy or sum demanded exceeds twenty dollars, it shall be lawful for either of the parties of the suit, after issue joined, and before the justice shall proceed to inquire into the merits of the cause, to demand of said justice that such action be tried by a jury; and upon Either party in a civil action may demand trial by jury.