

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 That all acts and parts of acts in conflict with the provisions of this act are hereby repealed. Conflicting acts repealed.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

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## JURY TRIAL.

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### 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.

Proceeding of  
justice to se-  
cure jury.

said demand it shall be the duty of the said justice of the peace to write down the names of eighteen persons, residents of the county, and having the qualifications of jurors in the district court, from which list of names each party may strike out three names alternately; and in case of the absence of either party, or of his refusal to strike out, the justice shall strike out of said list such names; and the justice shall at once issue his venire directed to the sheriff or any constable of the county, commanding him to summon the twelve persons whose names remain upon the list as jurymen; and in all such trials by jury in the justices' courts, challenges shall be allowed in the same manner and for the same causes as in the district courts in civil actions; and in case the number shall be reduced below twelve by such challenges, or any portion of said number shall fail to attend, the justice before whom the cause is to be tried shall direct the sheriff or any constable to summon and return forthwith a sufficient number of talesmen, having the qualifications of jurors, to complete the panel. If either party objects to the competency of a juror, the question thereon must be tried in a summary manner by the justice who may examine the juror or other witness under oath.

Defendant  
in criminal ac-  
tion may de-  
mand jury.

SEC. 2. In all criminal actions brought before justices of the peace, in which actions said justices have lawful original jurisdiction to hear, try and determine, without the intervention of a grand jury, it shall be lawful for the defendant, except where the maximum fine imposed by law does not exceed twenty dollars or imprisonment therein ten days, to demand a trial by jury before the commencement of such trial; and when such demand is made, the same proceedings shall be had to form the jury, as is prescribed in section one of this act: *Provided*, That in all trials by jury in criminal actions in justices' courts, challenges shall be allowed in the same manner and for the same causes as in the district courts in cases of misdemeanor.

Provided.

When parties  
may agree to  
less than  
twelve jurors.

SEC. 3. In all actions, civil and criminal, tried in justices' courts, the parties thereto may agree that the jury in such action shall consist of a less number than twelve jurors: *Provided*, That such agreement be in writing and filed with the papers in the cause and made a part of the record thereof.

SEC. 4. The provisions of any act in conflict with this act Conflicting acts repealed. are hereby repealed.

SEC. 5. This act shall take effect from and after its passage When to take effect. and approval.

Approved, January 15, 1875.

## JUSTICES OF THE PEACE.

### CHAPTER LIX.

#### JURISDICTION CONFERRED UPON JUSTICES OF THE PEACE IN CERTAIN CASES.

AN ACT to confer jurisdiction upon justices of the peace in certain cases.

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

SECTION 1. Any person convicted of petit larceny, as defined by law, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment: Penalty for petit larceny. *Provided*, That this act shall not affect any case in which the accused is held to answer under existing law, at the time of the passage of this act: *Provided further*, That nothing in this act shall apply to cases where the property taken amounts to more than fifteen dollars. Proviso.

SEC. 2. This act shall take effect and be in force from and When to take effect. after its passage and approval.

Approved, January 15, 1875.