

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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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CHAPTER CXII.

PLEAS.

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SECTION 1. There are three pleas to an indictment :

Pleas to indictment are three.

First. Guilty ;

Second. Not guilty ;

Third. A former judgment of conviction, or acquittal of the offense charged, which may be pleaded either with or without the plea of not guilty.

SEC. 2. Every plea shall be oral, and be entered upon the minutes of the court.

Every plea shall be oral.

SEC. 3. The plea shall be entered in substantially the following form :

How entered.

First. If the defendant pleads guilty : " the defendant pleads, that he is guilty of the offense charged in this indictment ; "

Second. If he pleads not guilty : " the defendant pleads that he is not guilty of the offense charged in this indictment ; "

Third. If he pleads a former conviction, or acquittal : " the defendant pleads that he has already been convicted (or acquitted, as the case may be,) of the offense charged in this indictment, by the judgment of the court of _____, (naming it,) rendered at _____, (naming the place,) on the _____ day of _____."

SEC. 4. A plea of guilty can in no case be put in, except by the defendant himself, in open court, unless upon an indictment against a corporation, in which case it may be put in by counsel.

Plea of guilty, how put in.

SEC. 5. The court may, at any time before judgment upon a plea of guilty, permit it to be withdrawn, and a plea of not guilty substituted.

Plea of guilty withdrawn, when.

SEC. 6. The plea of not guilty is a denial of every material allegation in the indictment.

Effect of plea of not guilty.

SEC. 7. All matters of fact tending to establish a defence other than that specified in the third subdivision of section one, may be given in evidence under the plea of not guilty.

Evidence under plea of not guilty.

SEC. 8. If the defendant was formerly acquitted on the ground of a variance between the indictment and the proof, or the indictment was dismissed upon an objection to its form or substance, without a judgment of acquittal it is not an acquittal of the same offense.

Acquittal not a bar, when.

SEC. 9. When, however, he was acquitted on the merits, he is deemed acquitted of the same offense, notwithstanding a defect in the form or substance in the indictment on which he was acquitted.

When acquittal is a bar.

SEC. 10. When the defendant is convicted or acquitted, upon an indictment for an offense consisting of different degrees, the conviction or acquittal is a bar to another indictment for the offense charged in the former, or for any inferior degree of that offense, or for an attempt to commit the same, or for an offense necessarily included therein, of which he might have been convicted under that indictment.

Rule in case of indictment for offense consisting of different degrees.

SEC. 11. If the defendant refuses to answer the indictment, by demurrer, or plea, a plea of not guilty shall be entered.

Refusal to plead, plea of not guilty shall be entered.