

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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 XCI.

CRIMES AND PUNISHMENTS, PRINCIPALS AND ACCESSORIES.

1869-50
1874-181

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SECTION 1. Crimes and public offenses are divided into :

Crimes, how divided.

First. Felonies ; and,

Second. Misdemeanors.

SEC. 2. A felony is a public offense punishable with death, or which is, or in the discretion of the court may be, punishable by imprisonment in the state prison. Every other public offense is a misdemeanor.

Definition of felony and misdemeanor.

SEC. 3. Whoever aids in the commission of any offense which is a felony, or who is accessory thereto before the fact, by counseling, hiring, or otherwise procuring such felony to be committed, shall be punished in the same manner as is prescribed for the punishment of the principal felon.

Accessory to be punished as principal.

SEC. 4. Whoever counsels, hires or otherwise procures the commission of any felony, may be indicted, tried and punished in the same court and in the same county where the principal felon might be indicted and tried, although the principal felon is neither indicted or tried, and although the offense of counseling, hiring, abetting, or procuring the commission of such felony, was committed elsewhere, either within or without the limits of this state.

Accessory, where tried and punished.

SEC. 5. Whoever, after the commission of any felony, not standing in the relation of husband or wife, parent or child, by consanguinity or affinity to the offender, harbors, conceals, maintains, or assists the principal felon or accessory before the fact, or gives such offender any other aid, knowing that he has committed a felony, or has been accessory thereto before the fact, with intent that he shall avoid or escape from detection, arrest, trial, or punishment, shall be deemed an accessory after the fact, and be punished by imprisonment in the county jail, not more than one year, or by fine not exceeding two hundred dollars, or both.

Accessory after the fact, how punished.

SEC. 6. Whoever becomes an accessory after the fact to a felony, may be indicted, convicted, and punished, whether the principal felon has, or has not been convicted previously, or is or is not amenable to justice by any court having jurisdiction to try the principal felon, either in the county where such person became an accessory, or in the county where such principal felony was committed.

Accessory after the fact may be convicted and punished, when and where.

SEC. 7. Whoever attempts to commit an offense prohibited by law, and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is prevented or intercepted in executing the same, where no provision is made by law for the punishment of such attempt, shall be punished as follows :

Attempt to commit offense, how punished.

First. If the offense so attempted to be committed, is punishable with death, the person convicted of such attempt shall be punished by imprisonment in the state prison not exceeding ten years ;

Second. If the offense so attempted, is punishable by imprisonment in the state prison for four years or more, or by imprisonment in a county jail, the person convicted of such attempt shall be punished by imprisonment in the state prison, or in a county jail, for a term not exceeding one half the longest term of imprisonment prescribed, upon a conviction for the offense so attempted ;

Third. If the offense so attempted is punishable by imprisonment in a state prison for any term less than four years, the person convicted of such attempt shall be punished by imprisonment in a county jail, not more than one year ;

Fourth. If the offense so attempted is punishable by fine, the offender convicted of such attempt, shall be liable to a fine not exceeding one half of the largest amount which may be imposed upon a conviction for the offense so attempted ;

Fifth. If the offense so attempted is punishable by imprisonment and by fine, the offender convicted of such attempt may be punished by both imprisonment and fine not exceeding one half of the longest time of imprisonment, and one half of the greatest fine, which may be imposed, upon a conviction for the offense so attempted.

Willful neglect to perform official duty is a misdemeanor.

SEC. 8. Where any duty is enjoined by law, upon any public officer, or upon any person holding any public trust or employment, every willful neglect to perform such duty, and every misbehavior in office where no special provision is made for the punishment of such delinquency or malfeasance, is a misdemeanor punishable by fine and imprisonment.

Parties jointly indicted.

SEC. 9. Upon an indictment against several defendants, any one or more may be convicted or acquitted.

Distinction between principal and accessory, abrogated.

SEC. 10. The distinction between an accessory before the fact and a principal, and between principals in the first and second degree, in cases of felony, is abrogated ; and all persons concerned in the commission of a felony, whether they directly commit the act constituting the offense, or aid and abet in its commission, though not present, shall be indicted, tried and punished, as principals.

Proceedings, when defendant is acquitted of part of offense charged. 3 Min. 427. 8 Min. 220.

SEC. 11. Whenever any person indicted for a felony is acquitted, by verdict, of part of the offense charged in the indictment, and convicted of the residue thereof, such verdict may be received and recorded by the court, and thereupon the person charged, shall be adjudged guilty of the offense, if any, which appears to the court to be substantially charged by the residue of such indictment, and shall be sentenced and punished accordingly.

Defendant may be acquitted of felonious intent and convicted of assault. 4 Min. 321.

SEC. 12. In all cases of indictment in the district court, for an assault with intent to commit any felony, the jury, in case they do not find the felonious intent charged, may convict of the assault ; and the court shall sentence the person so convicted, to be punished by imprisonment in the jail of the county, for a term not exceeding one year, or by fine not exceeding five hundred dollars.

Punishment for second or subsequent offense.

SEC. 13. If any person convicted of any offense punishable by fine or imprisonment, or both, is discharged on payment of such fine, or expiration of such imprisonment, or both ; or on being pardoned, and is subsequently convicted of a like offense ; or if the first offense was a felony, is subsequently convicted of any other felony, such person may for such second or subsequent offense, be punished by fine or imprisonment, or both, not exceeding double the amount or extent of that which might have been inflicted or imposed for the first offense.