

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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 XCII.

OF THE RIGHTS OF PERSONS ACCUSED.

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SECTION 1. Every person arrested by virtue of process, or taken into custody by an officer of this state, has a right to know from the officer who arrests or claims to detain him, the true ground on which the arrest is made; and an officer who refuses to answer a question relative to the reason for such arrest, or answers such question untruly, or assigns to the person arrested an untrue reason for the arrest, or neglects, on request, to exhibit to the person arrested or any other person acting in his behalf, the precept by virtue of which, such arrest is made, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the common jail not exceeding one year.

Person arrested to be informed of ground of arrest—penalty for false answer.

SEC. 2. A defendant in a criminal action, is presumed to be innocent, until the contrary is proved; and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to an acquittal.

Defendant presumed innocent, and entitled to benefit of reasonable doubt. 4 Min. 368.

SEC. 3. When it appears that a defendant has committed a public offense, and there is reasonable grounds of doubt, of which of two or more degrees he is guilty, he can be convicted of the lowest of these degrees only.

Defendant convicted of lowest offense, when.

SEC. 4. No person indicted for an offense shall be convicted thereof, unless by confession of his guilt in open court, or by admitting the truth of the charge against him by his plea or demurrer, or by the verdict of a jury accepted and recorded by the court.

Conviction, how obtained.

SEC. 5. No person shall be held to answer on a second indictment for an offense of which he has been acquitted by the jury upon the facts and merits; but such acquittal may be pleaded by him in bar of any subsequent prosecution for the same offense, notwithstanding any defect in the form or substance of the indictment on which he was acquitted.

Acquittal a bar to second indictment, when.

SEC. 6. Whoever is acquitted upon the ground of a variance between the indictment and the proof, or upon any exception to the form or substance of the indictment, may be arraigned again on a new indictment, and may be tried and convicted for the same offense notwithstanding such former acquittal.

When acquittal is not a bar.

SEC. 7. When a person has been held to answer for a public offense, if an indictment is not found against him at the next term of the court at which he is held to answer, the court shall order the prosecution to be dismissed, unless good cause to the contrary is shown.

Court to order prosecution dismissed, when.

SEC. 8. If a defendant indicted for a public offense, whose trial has not been postponed upon his application, is not brought to trial at the next term of the court in which the indictment is triable after it is found, the court shall order the indictment to be dismissed, unless good cause to the contrary is shown.

Indictment dismissed, when.

SEC. 9. If the defendant is not indicted, or tried, as provided in the

Action contin-

ued, when—de-
fendant let to
bail.

last two sections, and sufficient reason therefor is shown, the court may order the action to be continued from term to term, and in the mean time, he shall be committed or, if the offense is bailable, shall recognize in a sum and with sureties to the satisfaction of the court.

Effect of dismissal
of action.

SEC. 10. If the court directs the action to be dismissed, the defendant shall, if in custody, be discharged therefrom; or if admitted to bail, his bail is exonerated, or money deposited instead of bail, shall be refunded to him.

Defendant en-
titled to blank
subpoenas for
witnesses.

SEC. 11. The clerk of the court at which any indictment is to be tried, shall at all times, upon the application of the defendant, and without charge, issue as many blank subpoenas under the seal of the court, and subscribed by him as clerk, for witnesses within the state, as are required by the defendant.

CHAPTER XCIII.

OF OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

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1. Treason against state, defined.
2. Punishment of treason.

SECTION

3. Misprison of treason, defined.
4. Treason—two witnesses required to convict.

Treason against
state, defined.

SECTION 1. Treason against this state shall consist only in levying war against the same, or in adhering to the enemies thereof, giving them aid and comfort.

Punishment.

SEC. 2. Whoever commits treason against this state shall be punished by imprisonment in the state prison for life.

Misprison of
treason.

SEC. 3. Whoever, having knowledge of the commission of treason, conceals the same, and does not, as soon as may be, disclose and make known [such treason] to the governor or one of the judges of the supreme court, shall be adjudged guilty of the offense of misprison of treason and be punished by fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or in the common jail not exceeding two years.

Treason—two
witnesses re-
quired to convict.

SEC. 4. No person shall be convicted of treason but by the testimony of two lawful witnesses to the same overt act of treason whereof he stands indicted, unless he confesses the same in open court.