

GENERAL STATUTES

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 2.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOW IN FORCE AND NOT IN
VOL. 1, THE SAME BEING THE CODE OF CIVIL PROCEDURE AND ALL REME-
DIAL LAW, THE PROBATE CODE, THE PENAL CODE AND THE CRIM-
INAL PROCEDURE, THE CONSTITUTIONS AND ORGANIC ACTS.

COMPILED AND ANNOTATED

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CHAPTER 87 (G. S. ch. 92).

OF THE RIGHTS OF PERSONS ACCUSED.

Sections 3, 5, 6 of ch. 92, G. S., and all of ch. 91, except §§ 9, 11, 12 (incorporated in this chapter), being inconsistent with certain provisions in Penal Code, were repealed by the repealing clause of that act, which fact is noticed under the proper sections of that code.

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SEC. 6547. Person arrested to be informed of ground.— 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.

G. S. ch. 92, § 1.

SEC. 6548. Prosecution to be dismissed, when.— When a person has been held to answer for a public offence, 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.

G. S. ch. 92, § 7.

SEC. 6549. Indictment to be dismissed, when.— If a defendant indicted for a public offence, 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.

G. S. ch. 92, § 8.

SEC. 6550. Continued, when.— If the defendant is not indicted or tried, as provided in the 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 offence is bailable, shall recognize in a sum and with sureties to the satisfaction of the court.

G. S. ch. 92, § 9.

SEC. 6551. Effect of dismissal.— 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.

G. S. ch. 92, § 10.

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SEC. 6552. **Parties jointly indicted.**— Upon an indictment against several defendants, any one or more may be convicted or acquitted.

G. S. ch. 91, § 9.

SEC. 6553. **Indictment for felonious assault.**— 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.

G. S. ch. 91, § 12. 4 M. 321; 21 M. 382; 22 M. 51.

SEC. 6554. **Presumption of innocence — Reasonable doubt.**— 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.

G. S. ch. 92, § 2. 4 M. 368.

SEC. 6555. **Conviction, how.**— No person indicted for an offence 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.

G. S. ch. 92, § 4.

SEC. 6556. **Acquittal of part of offence.**— Whenever any person indicted for a felony is acquitted, by verdict, of part of the offence 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 offence, if any, which appears to the court to be substantially charged by the residue of such indictment, and shall be sentenced and punished accordingly.

G. S. ch. 91, § 11. 3 M. 427; 8 M. 220.

SEC. 6557. **Blank subpoenas for defendant.**— 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.

G. S. ch. 92, § 11.

SEC. 6558. **Counsel for defendant.**— That whenever a defendant shall be arraigned upon an indictment for any criminal offence punishable by death or by imprisonment in the state prison, and shall request the court wherein the indictment is pending, to appoint counsel to assist him in his defence, and shall satisfy the said court, by his own oath or such proof as the said court shall require, that he is unable by reason of poverty to procure counsel, the court shall appoint counsel for said defendant, not exceeding two, to be paid by the county wherein the indictment was found, by order of said court. The amount of compensation of such counsel shall be fixed by the said court in each case, and shall not exceed ten dollars per day for each counsel, and shall be confined to the time in which such counsel shall have been actually employed in court upon the trial of such indictment: *provided*, that the compensation to counsel in any one case shall not exceed the sum of ten dollars, when such case is heard or tried in the counties of Hennepin or Ramsey.

1869, ch. 72: "An act to provide counsel for defendants in certain criminal cases," approved March 5, 1869, as amended 1876, ch. 56. Approved March 3, 1876.

SEC. 6559. **Depositions for defence.**— That upon cause shown to the court wherein any criminal action is pending, the judge thereof may, by

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order, allow depositions of witnesses on behalf of the prisoner to be taken in the same manner and in the like cases where depositions may be taken in civil actions; and the depositions so taken may be used upon the trial of such prisoner, in his behalf, as depositions are now allowed and used in civil actions: *provided*, that the expense attending the taking and return of such depositions shall be paid by the defendant in such action, except the court shall otherwise direct, by order duly entered upon the minutes of the court.

1876, ch. 57: "An act providing for the taking of depositions in behalf of persons accused of crime." Approved February 25, 1876.