

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 98 (G. S. ch. 112).

PLEAS.

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Sections.

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SEC. 6781. **Pleas to indictment.**— There are three pleas to an indictment:

First. Guilty.

Second. Not guilty.

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

G. S. ch. 112, § 1.

SEC. 6782. **To be oral.**— Every plea shall be oral, and be entered upon the minutes of the court.

G. S. ch. 112, § 2.

SEC. 6783. **Entry of pleas.**— The plea shall be entered in substantially the following form:

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

Second. If he pleads not guilty: "the defendant pleads that he is not guilty of the offence 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 offence charged in this indictment, by the judgment of the court of —, (naming it,) rendered at —, (naming the place,) on the — day of —."

G. S. ch. 112, § 3.

SEC. 6784. **Plea of guilty.**— 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.

G. S. ch. 112, § 4.

SEC. 6785. **Same— Withdrawal.**— The court may, at any time before judgment upon a plea of guilty, permit it to be withdrawn, and a plea of not guilty substituted.

G. S. ch. 112, § 5.

SEC. 6786. **Plea of not guilty.**— The plea of not guilty is a denial of every material allegation in the indictment.

G. S. ch. 112, § 6.

SEC. 6787. **Same— Evidence under.**— 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.

G. S. ch. 112, § 7.

SEC. 6788. **When acquittal not a bar.**— 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 offence.

G. S. ch. 112, § 8.

SEC. 6789. **When it is a bar.**— When, however, he was acquitted on the merits, he is deemed acquitted of the same offence, notwithstanding a defect in the form or substance in the indictment on which he was acquitted.

G. S. ch. 112, § 9.

SEC. 6790. **Same.**— When the defendant is convicted or acquitted upon an indictment for an offence consisting of different degrees, the conviction or acquittal is a bar to another indictment for the offence charged in the former, or for any inferior degree of that offence, or for an attempt to commit the same, or for an offence necessarily included therein, of which he might have been convicted under that indictment.

G. S. ch. 112, § 10.

SEC. 6791. **Refusal to plead.**— If the defendant refuses to answer the indictment, by demurrer, or plea, a plea of not guilty shall be entered.

G. S. ch. 112, § 11.