CHAPTER 628

ACCUSATION

628.01 INDICTMENT AND PRESENTMENT.

Shall the grand jury in ordinary criminal cases be dispensed with in Minnesota. 6 MLR 615.

Indictment by grand jury; history. 26 MLR 153.

628.02 REPORTS BY INDICTMENT OR PRESENTMENT.

A report of a grand jury in the form of a presentment is not privileged if it names an individual as having done an improper or odious act, and on his application the court should suppress or expunge the same. State ex rel v District Court, 216 M 348, 12 NW(2d) 776.

While the grand jury originally functioned not only as accuser but also tried those who were deemed to have committed offenses, it later became an accusing tribunal only. Its function now includes not only examination into commission of crimes, but of standing between the prosecutor and accused in case there be any indication of malice, ill will, or political prejudice. If the evidence in a particular case is found adequate, the jury is charged with the duty of finding an indictment against the accused; if it finds the proof to be such that the accused is probably guilty it may proceed by presentment. State v Iosue, 220 M 283, 19 NW(2d) 735.

Inquisitorial powers of grand jury employing and financing private detectives. 12 MLR 761.

628.08 INDICTMENT; HOW FOUND AND ENDORSED; NAMES OF WITNESSES.

The presentation of a petition to the court praying for the resubmission of certain charges of a violation of the law, which had been theretofore submitted to the grand jury and by that body considered and reported back to the court that no indictments were found, held, since the report of the grand jury that the charges had been considered and no indictment found was a final determination of the same so far as concerned the reporting jury, not a contempt of court, though the petition contained groundless charges of misconduct on the part of the grand jury. State v Young, 113 M 96, 129 NW 148.

The dismissal of an indictment by order of the court on motion of the county attorney for a clerical defect appearing on its face, after a demurrer has been interposed by defendant and not yet decided by the court, is not equivalent to an order sustaining the demurrer.

In that situation an order of resubmission to another grand jury is unecessary, and a second indictment for the same crime returned prior to the dismissal is valid. State v Lightheart, 153 M 40, 189 NW 408.

Except as required by statute, an order of resubmission is not a condition precedent to the reconsideration of a criminal charge by a grand jury and the finding of a second indictment thereon, even though the first is still pending. The second indictment may be found without re-examination of the witnesses originally heard and without consideration of any new or additional evidence. State v Ginsberg, 167 M 25, 208 NW 177.

After having returned the no bills of October 12, 1944, and November 16, 1944, could the grand jury in the resubmission to it of the charge in December 1944 return an indictment without reexamining witnesses competent to testify on the

commission of the crime by defendant? The answer is in the affirmative. State v Iosue, 220 M 283, 19 NW(2d) 738.

Informations or indictments in felony cases. 8 MLR 379, 394.

628.09 INDICTMENT PRESENTED, FILED, AND RECORDED; EFFECT.

Suspension of running of limitations by filing information; necessity of presentation to court. 9 MLR 680.

628.10 INDICTMENTS; CONTENTS.

All matters of inducement which are necessary in order to show that the act charged is a criminal offense must be stated in the indictment or information. State v Bean, 199 M 16, 270 NW 918.

Section 628.08 requires that the names of the witnesses examined before the grand jury shall in all cases be inserted at the foot of the indictment or be indorsed thereon before it shall be presented to the court. Aside from what is required by the provisions of the statute referred to, it is not necessary for the state to furnish the defendant with the names of the persons it intends to call as witnesses, and it was not error for the trial court to deny defendant's motion to require the state to do so. It was not error for the trial court to deny defendant's motion made at the opening of the case to require the state to elect as to its theory of the manner in which the death of the deceased was brought about by defendant. It is only when the offense is of a general nature and the charge is in general terms that the prosecution may be required to file a specification of the particular acts relied upon to sustain the charge. Here the charges as set forth in the indictment were not general but were sufficiently specific to avoid the rule. State v Poelaert, 200 M 30, 273 NW 641.

The accusation by indictment or information must be sufficiently specific fairly to apprise the accused of the nature of the charge against him, that he may know what to answer, and be prepared to meet the exact charge against him, and that record may show, as far as many be, for what he is put in jeopardy. State v Nelson, 74 M 409, 414, 77 NW 223, 225; State v Eich, 204 M 139, 282 NW 810.

An indictment for swindling may contain allegations that the crime was committed by fradulent representations of facts relating both to the present or past and to the future. An indictment which alleges an offense generally in the language of the statute and is certain as to the party, the offense, and the particular circumstances of the offense charged is sufficient under Minnesota statutes. State v Yurkiewicz, 208 M 71, 292 NW 782.

Section 169.11 sets forth the elements of the offense, and hence an information in the language of the statute informs an accused of the crime charged with sufficient definiteness. State v Bolsinger, 221 M 154, 21 NW(2d) 483.

Information and indictments. 8 MLR 830.

Negativing exceptions and provisions. 13 MLR 512.

Necessity of word "feloniously." 23 MLR 226.

Indictment by grand jury. 26 MLR 153.

628.11 FORM.

See, State v Yurkiewicz, 208 M 71, 292 NW 782, noted under section 628.10.

Form of indictments for murder, first, second and third degree. OAG Sept. 5, 1945 (133-B-52).

628.12 TO BE DIRECT AND CERTAIN.

An indictment for second degree manslaughter, alleging that defendant, employed to fumigate a house, left it unguarded, and that eight-year-old boy entered and was stricken with hydrocyanic gas, sufficiently met statutory requirements, and stated facts justifying conclusion of negligence. State v Cantrell, 220 M 13, 18 NW(2d) 685.

628.14 DIFFERENT COUNTS.

Under the Sherman anti-trust act a manufacturer may refuse to sell to certain persons unless the refusal is based upon a wish to establish a monopoly. In the instant case, the acts of the manufacturer in refusing to sell to a customer and in requesting others not to sell certain merchandise to him, and this because the customer was competing with the manufacturer or a bidder on United States government contracts, was clearly an attempt to monopolize trade, in a certain product, with the government. U. S. v Klearflax Looms, 63 F. Supp. 32.

Alternative allegations of fact, joinder of parties in the alternative. 10 MLR 356.

Statutory joinder of separate offenses in the same indictment. 22 MLR 113.

628.15 TIME, HOW STATED.

The time when the state is required to elect on which alleged offense it proposes to rely rests largely within the trial court's discretion. State v Wassing, 141 M 106, 169 NW 485; State v Lightheart, 153 M 40, 189 NW 408.

Allegation of subsequent date. 10 MLR 622.

628.17 WORDS OF STATUTE NEED NOT BE FOLLOWED.

When a criminal statute specifies several ways in which an offense thereunder may be committed, an indictment which merely alleges that defendant violated the statute is demurrable. State v Spartz, 140 M 203, 167 NW 547.

Where a crime is sufficiently charged where the statutory wording is followed depends upon the particularity of the statutory wording, and if the statutory language is, according to the natural import of the words, fully descriptive of the offense, it is generally sufficient. State v Omodt, 198 M 165, 269 NW 360; State v Kahner, 217 M 574, 15 NW(2d) 105; State v Bolsinger, 221 M 154, 21 NW(2d) 480.

628.18 TESTS OF SUFFICIENCY.

See, State v Cantrell, 220 M 13, 18 NW(2d) 685. Note, section 628.12.

628.19 FORMAL DEFECTS DISREGARDED.

New proceedings after dismissal or failure of criminal prosecution. 14 MLR 91. Disregard of defects not prejudicial. 14 MLR 92.

628.24 INDICTMENT FOR PERJURY.

In an indictment for perjury charging the president of an insurance company with perjury in making a false statement as to assets, where the affidavit charged with being false was attached to and incorporated into the indictment by reference, the indictment was not void for duplicity as the statement was alleged as an inducement leading up to the crime of perjury. State v Scott, 78 M 311, 81 NW 3.

628.26 LIMITATIONS.

Time for reindictment after acquittal. 7 MLR 575, 578.

Suspending the running of the statute of limitations by filing information. 9 MLR 680.

New proceedings after dismissal or failure of original prosecution. 14 MLR 91.

628.29 INFORMATIONS; POWERS OF DISTRICT COURT.

NOTE: The federal constitution embodied a recognition of the long established English and colonial practice of prosecuting felony cases solely on indictments, while informations were used only for the prosecution of misdemeanors. The original states, each for itself, adopted similar constitutional guaranties; but states later admitted, for the most part, adopted an alternative method of procedure which per-

mitted the trial of felony cases upon either indictments or informations. In Minnesota the alternative procedure was made possible by the constitutional amendment of 1904, supplemented by L. 1905, c. 231; L. 1909, c. 398; L. 1913, c. 65; L. 1925, c. 136; and L. 1935, c. 194, s. 1.

For practical reasons grand juries are regularly called in the three metropolitan counties, and in other counties only upon request of the county attorney. Even in metropolitan counties the court might, in its discretion, omit calling a grand jury. A prosecution based upon an information is due process of law and does not violate either state or federal constitution. State v Keeney, 153 M 153, 189 NW(2d) 1023.

Where stolen goods from several burglarized stores were seized in accused's cottage, there was no error in the reception of evidence of other crimes than the one for which the accused was being tried. State v McGraw, 163 M 154, 203 NW 771.

The municipal court of the city of Faribault is without power to try a person upon a criminal complaint made by a private individual charging an offense beyond the jurisdiction of a justice of the peace but within the jurisdiction prescribed by section 3, chapter 120, L. 1925, creating the court. The information designated in said section 3 means an information made and filed by a duly constituted prosecuting officer, and the proceedings thereunder must conform to the provisions of sections 628.29 to 628.33. State v Municipal Court, 164 M 328, 205 NW 63.

Sections 628.29 to 628.33 do not repeal and are in no way in conflict with sections 610.28 to 610.32 and all such sections may consistently stand and operate without conflict. State v Zywicki, 175 M 508, 221 NW 900.

Constitutionality of state statute permitting prosecution of crime by information. 7 MLR 166.

Information or indictments. 8 MLR 379.

Suspending the running of a statute of limitations by filing information. 9 MLR 680.

In some countries and states prosecution by information is used in all ordinary cases, retaining the grand jury and the indictment for emergency situations only.

One of the war time economies in England during the first world war was a suspension of grand jury procedure. Resumption of the ancient practice brought criticisms and protests.

"By order in council made in December 1921, the grand juries suspension act of 1917 came to an end, and during the present year and thereafter, if no steps are taken by parliament, this obsolete method of wasting time and money will again form part of our criminal procedure. Since 1917 we have heard no suggestion of any miscarriage of justice due to the suspension of the functions of grand juries, but we have heard of the saving of much time and money due to their temporary disappearance. His honor, Judge Greenwell, is reported to have said at Durham Quarter sessions that the sole use of grand juries was to enable a guilty person to escape without a trial, a somewhat severe comment, and not far from the truth. We know that the charge to the grand jury is not altogether distasteful to some of those who are called to preside at assizes and quarter sessions, but in these times when rigid economy in every department is essential the expense incurred, which runs into many thousands of pounds, and the inconvenience caused to grand jurors and witnesses are not justified by the retention of a system that has no practical advantage whatsoever." The Law Times (London), Jan. 7, 1922. 6 Journal Am. Jud. Soc. 91.

628.30 INFORMATION; CONTENTS; PROVISIONS APPLICABLE.

All matters of inducement which are necessary in order to show that the act charged is a criminal offense must be stated in the indictment or information. State v Bean, 199 M 16, 270 NW 918.

An information for bribery averring the official character of the offeree and that the bribe was offered to him "as such officer" held good as against objection that it did not charge that the accused knew that the offeree was "such officer," overruling State v Howard, 66 M 309, 68 NW 1096. The point not having been made

by demurrer or motion before trial, it is then too late to object to the use in an information for bribery of the word "tending" rather than "intending" as applied to the purpose of feloniously influencing official action. State v Lopes, 201 M 20, 275 NW 374.

The sufficiency of the evidence before the committing magistrate on the preliminary hearing to justify a finding that a crime had been committed and that there was reasonable cause to charge the defendant therewith may not be raised upon a motion to quash the information subsequently filed thereon. State v Gottwalt, 209 M 4, 295 NW 67.

Informations and indictments. 8 MLR 381.

Suspending the running of the statute of limitations by filing an information. 9 MLR 680.

628.32 COURT MAY DIRECT FILING OF INFORMATION, WHEN; PLEA.

Sections 628.01, 628.16, and 628.28 specifically recognize an association as an entity from which it is larceny for one of its officers to appropriate funds either for his own use or for that of any other person. State v Postal, 215 M 433, 10 NW(2d) 373.

Where a person applies to the court desiring to plead guilty to second degree assault, the court may defer action a few days until defendant arrives at his sixteenth year, thus changing the penalty which may be imposed. OAG Feb. 8, 1946 (341-K-8).

GRAND JURIES

628.41 GRAND JURIES; MEMBERS; QUORUM.

HISTORICAL. Although the grand jury as we know it was first known to England in the reign of Edward III, it is of Saxon rather than Norman derivation. The petit jury for the trial of causes and criminals was a Norman institution, but an accusing jury was unknown to the Normans. The modern practice of returning a panel of 24 men to inquire for the county was established in the 42nd year of Edward III (1368). 3 Reeves History of English Law 133.

This was merely a statutory recognition of an already established practice, and for the purpose of making uniform the practice throughout the realm. The Saxons sought to prevent the escape of wrongdoers by a system of frank-pledge, by which in every tything the inhabitants were sureties to the king for the good behaviour of each other; and it was the duty of the 12 senior thanes in every hundred to present for prosecution such persons as they found had committed any crime. If one escaped the hue and cry, the hundred in which he was in frank-pledge was liable to be amerced. The accused, when apprehended, who failed to pay the weregild, must purge himself by compurgation or suffer the ordeal. Supplementing the frank-pledge, the sheriff's tourn semi-annually in the county and the court-leet annually in the hundred, apprehended wrongdoers and the offenders appear to have been punished. There was an accusing body of 12 senior thanes summoned by the bailiff who charged the offenders, and in some instances, tried them. Statutory confirmation of this is found in the laws promulgated by Ethelred II (928-1016). 8 Crabb's History of English Law 35; Wilkin's Leges Anglo Saxonicae 117; 1 Reeves History of English Law 23; 1 Blackstone's Commentaries 114.

The grand jury had its origin when there raged a fierce conflict between rights of the subject and the power of the crown. It was established to insure to the subject the right to appeal to his peers, under the immunity of secrecy and irresponsibility, before the government could bring him to trial. The system was adopted in America as a means of protection to the citizen as well as a necessary aid to public justice. Re Gardner, 60 NYS 760.

The grand jury is of ancient English origin. Its early functions were not clearly defined. At first it not only accused, but tried, offenders. The reference to the subject found in the Magna Charta indicates its value as a bulwark against the oppression of the sovereign. Inquisitorial bodies commissioned by the king could

no longer hold star chamber sessions at which presentments were found. Since the reign of Henry I, the system has operated almost as at present. American Jurisprudence 24, p. 833.

By the Assize of Clarenden 1166, it was enacted "That inquiry be made in each county and in each hundred by 12 lawful men in each hundred, and four lawful men in each township, who were sworn to say truly whether in their hundred or their township there is a man accused of being or notorious as a robber, murderer, thief, or the harborer thereof, since the king began his reign. And this let the justices and sheriffs inquire. Prior to 1166, accused persons were tried in the county and hundred's courts, but thereafter at the Assize." Lesser's History of the Jury System 138.

The Assize of Clarenden, for the most part, did away with compurgation as a mode of trial for crime, and the Fourth Council of the Lateran (1215) forbade the clergy to participate in the ceremonies of the ordeal. This put an end to former modes of trial and opened the way for eventual trial by the country and the judges naturally turned to the inquest. The Jury and its Development, 5 Harvard Law Review 265.

In 1218, the king, in council, sent the following order to the judges: "When you started on your eyre it was as yet undertermined what should be done with persons accused of crime, the Church having forbidden the ordeal. For the present we must rely very much on your discretion to act wisely, according to the special circumstances of the case." This was followed by general instructions as to imprisonment of the accused and pledges to keep the peace. Maitland, Gloucester Pleas 38.

The Normans brought far more vigorous and searching kingly power than had previously been known in England, but as to judicial proceedings much that they brought was there already; for the Anglo-Saxons were their cousins of the Germanic race and had the same legal concepts and methods only less worked out. In early times in all Germanic lands, trials were by (1) witnesses, generally his neighbors; (2) the party's oath, with or without compurgators; (3) the ordeal, and, (4) battle.

"The Grand Assize is a royal favor, granted to the people by the goodness of the king with the advice of the nobles. It so cares for the lives and estates of men that every one may keep his lawful right and yet avoid the doubtful chances of the duel, and escape that last penalty, and unexpected and untimely death, or, at least the same of enduring infamy in uttering the hateful and shameful word (craven) which sounds so basely in the mouth of the conquered. This institution springs from the greatest equity. Justice, which often delays many and long, is scarcely ever found in the duel, is more easily and quickly reached by this proceeding. The Assize does not allow so many essoins as the duel; thus labor is saved and the expense of the poor reduced. Moreover, by as much as the testimony of several credible witnesses out-weighs in courts that of a single one, so much this process rests on greater equity than the duel. For while the duel goes upon the testimony of one sworn person, this institution requires the oaths of at least 12 lawful men." Glanville, lib. 2, See 7.

Battle, though seldom resorted to, survived as an alternate method of trial until 1819 when it was abolished by statute. "Appeals of murder, treason, felony, and other offenses, and the manner of proceeding therein, have been found to be oppressive; and the trial of battle in any suit as a mode of trial unfit to be used; and it is expedient that the same should be wholly abolished." "Such appeals shall cease, determine, and become void and be utterly abolished." 59 George III, Chapter 46.

The right of the appellee to decline battle and put himself upon the country is not mentioned by Glanville. There is no recorded instance of it until the early years of King John's reign. When the wager of battle was declined, the king, at his discretion, might award an inquest. It was provided in Article XXXVL, of the Magna Charta, that the awarding of the writs of inquest should be of right and without charge.

The practice was to prepare the proposed indictment and lay it before the grand jury for their consideration. The most valuable function of early grand

juries was not only to examine into the commission of crimes, but to stand between the prosecutor and the accused and determine whether the charge was founded upon credible testimony or was dictated by malice or personal ill-will. Hale v Henkell, 201 US 59.

The grand jury might proceed without the formality of a written charge. The oath administered to the foreman included "You shall diligently inquire and true presentments make of all such matters, articles, and things which shall be given to you in charge, and of all other matters and things as shall come to your knowledge touching the present service." * * * Rex v Shaftsbury, 8 Howell's State Trials 759.

"A presentment is a notice taken by a grand jury of any offense from their own knowledge or observation, without any bill of indictment laid against them at the suit of the king, as the presentment of a nuisance, a libel, and the like; upon which the officer of the court must afterwards frame an indictment before the party presented be put to answer it." Blackstone Book IV, p. 301; I Chitty, Criminal Law 162.

The grand jury has the undoubted right to send for witnesses and have them sworn, and give evidence, and may find presentments on the evidence of such witnesses. Wharton's Criminal Pleading and Practice, 8th Edit. 337.

Under the ancient English system, criminal prosecutions were instituted at the suit of private prosecutors, to which the king lent his name in the interest of the public peace and good order of society.

Three centuries ago the grand jury came near losing its ancient procedure. In 1681 they were compelled, in Shaftsbury's case, 8 How., St. Tr. 759, to receive their evidence publicly in open court, but the vigorous protest of court, bar, and public compelled abandonment of the effort.

The grand jury is an inquisitorial body for a county and is charged with the duty of investigating crimes committed within the county. It is an appendage of the court under whose supervision it is impaneled, having no existence aside from the court which calls it into existence and upon which it is attending. 24 American Jurisprudence 832; Hall v Burney, 229 Mo. App. 759, 84 SW(2d) 664.

It is not a judicial tribunal. State v Lawler, 221 Wis. 423, 267 NW 65.

Grand jurors are not public officers. McDuffie v Perkerson, 178 Ga. 230, 173 SE 151.

The court may adjourn the session from time to time during the term. State v Davis, 22 M 423; State v Goodrich, 67 M 176, 69 NW 815.

After its discharge it is fundamentally without power of any kind, but until finally discharged by the court or the expiration of its term, the jury retains all of its powers and functions. State v Davis, 22 M 423; State v Young, 113 M 99, 129 NW 148.

The grand jury at its inception was for that time an engine of royal oppression; just as, that great palladium of our liberties, the petit jury, grew out of tyrannical royal inquisitions, and wholly foreign to the experience of the Anglo-Saxon race, was imposed upon the English nation by the Norman and Angevin kings.

The court inquires by the grand jury and tries by the petit jury. When the grand jury is in session it is completely under the control of the court. People v Naughton, 7 Abb. Practice (N. S. 421).

Mr. Justice Field, in charging a grand jury said, as to acting upon its own knowledge: "Not by rumors or reports, but by knowledge acquired from the evidence before you and from your own observations. Whilst you are inquiring as to an offense, another and different offense may be proved; or witnesses before you may, in testifying, commit the crime of perjury." 2 Sawyer 667.

It is not necessary that each grand juror be free from bias or prejudice. Such test is not implied either from the terms of his oath, or from the nature of his duties. Commonwealth v Woodward, 157 Mass. 516.

For a proper discharge of their duties, grand juries should be informed as to the statutory law of their state. Commonwealth v Woodward, 157 Mass. 517.

Except as required by statute, an order of resubmission is not a condition precedent to the reconsideration of a criminal charge by a grand jury and the finding of a second indictment thereon, even though the first is still pending. State v Ginsberg, 167 M 25, 208 NW 177.

As well as being an accusing tribunal, the grand jury also functions in protection of the public against a public prosecution actuated by malice, ambition, or loose thinking into bringing unfounded indictments. State v Iosue, 220 M 283, 19 NW(2d) 735.

Suffrage amendment as qualifying women for jury duty. Necessity for qualifying statute. 5 MLR 319; 6 MLR 79.

Shall the grand jury in ordinary criminal cases be dispensed with in Minnesota? 6 MLR 615.

Legal basis for special jury. 31 MLR 232.

Absolute privilege accorded in reporting misconduct of a public official. 31 MLR 500.

628.42 WHEN DRAWN.

Suffrage amendment as qualifying women for jury duty. 5 MLR 319.

Information or indictments. 8 MLR 383.

L. 1923, c. 257, is intended to extend the use of informations. 9 MLR 697.

628.43 EXEMPTION FROM SERVICE.

A member of the grand jury who reports to the court his inability to be impartial in a matter before the body, and asks to be excused, may in the discretion of the court be excused. State v Strait, 94 M 384, 102 NW 913.

Disqualification of governmental employees as jurors in criminal cases for implied bias. 21 MLR 608.

628.45 NAMES, HOW PREPARED AND DRAWN.

The clerk of the district court drew the panels of the grand and petit jury, for the term of court at which defendant was indicted and tried, in the presence of the sheriff and a person who had been duly elected a justice of the peace, had taken the oath of office, had received from his predecessor the records and files pertaining to the office, who had for a week performed all the duties of the office in both civil and criminal cases, but whose official bond had not been filed. The person so present at the drawing of the jury panels was a de facto justice of the peace and his official act, in being the proper person to be present at such drawing, under section 628.45, cannot be questioned by a motion to set aside the indictment or by a challenge to the petit jury panel. State v Van Vleet, 139 M 144, 165 NW 962.

628.52 CHALLENGE.

Challenges to individual grand jurors for bias cannot be made at the time of arraignment, by way of plea in abatement or motion to quash the indictment; and challenges to individual grand jurors based on the ground of prejudice can only be interposed before the jury is sworn. State v Ames, 90 M 183, 96 NW 330.

628.59 EVIDENCE; FOR DEFENDANT.

The power and duty of the grand jury to investigate crimes committed within the county is original and complete and may be exercised upon its own motion. Since that power is a continuing one during the term, such power to act is not exhausted by adverse action theretofore taken, but may be exerted and exercised as to the same instances by the same or a subsequent grand jury. Where defendant, having learned that the grand jury was considering a charge of rape against him, "voluntarily and without coercion or compulsion" by anyone signed and verified an instrument designated "Waiver of Immunity," and he there stated that he well

knew that he was not required to appear or to testify, but nevertheless said he wished to testify in the cause, and, being heard, agreed that any testimony given "may be used against me in the event that I should be indicted on any criminal charge," held, upon facts recited in opinion and for reasons there stated, that his testimony given in the course of the grand jury's investigation did not afford him immunity, since there is a total absence in the record of any claim or showing that the waiver was intended to be limited as to time. State v Iosue, 220 M 283, 19 NW(2d) 735.

Shall the grand jury be dispensed with? 6 MLR 616.

Injunction or indictments. 8 MLR 379, 390.

Limitations upon the inquisitorial powers of a grand jury. 21 MLR 605.

628.61 MATTERS INQUIRED INTO.

Report of grand jury censuring and reflecting on the conduct of an official. 2 MLR 154.

Limitations upon inquisitorial powers. 21 MLR 605.

628.64 OBSERVE SECRECY.

Informations and indictments. 8 MLR 379, 390.

Absolute privilege accorded in reporting misconduct of a public official. 31 MLR 500.