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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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1851

manner he or any other grand juror may have voted on a matter before them.

What grand juror may be required to disclose.

SEC. 44. A member of the grand jury may, however, be required by any court to disclose the testimony of any witnesses examined before the grand jury, for the purpose of ascertaining whether it is consistent with that given by the witnesses before the court, or to disclose the testimony given before them by any other person upon a charge against him for perjury, in giving his testimony, or upon his trial therefor.

Grand juror not liable for his proceedings before the grand jury.

SEC. 45. A grand juror cannot be questioned for any thing he may say, or any vote he may give in the grand jury, relative to a matter legally pending before the jury, except for a perjury of which he may have been guilty in making an accusation, or giving testimony to his fellow jurors.

CHAPTER 117.

PRESENTMENT AND PROCEEDINGS THEREON.

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SECTION

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When presentment may be made.

SEC. 46. A presentment cannot be found without the concurrence of at least twelve grand jurors. When so found, it must be signed by the foreman.

When found to be presented by foreman.

SEC. 47. The presentment, when found, must be presented by the foreman, in the presence of the grand jury, to the court, and must be filed with the clerk.

Testimony must be returned with presentment.

SEC. 48. When the grand jury make a presentment, they must return to the court therewith, the depositions of the witnesses examined before them, or the minutes, or a copy thereof, of the testimony on which the presentment is made.

Deposition must be filed and kept secret.

SEC. 49. When the depositions are returned, as provided in the last section, they must be filed with the clerk of the court, and cannot be inspected by any person except the court, the attorney general, the clerk and his deputies or assistants, and the district attorney, until after the arrest of the defendant.

Violation of last section a misdemeanor.

SEC. 50. A violation of the provisions of the last section, is punishable as a contempt, and as a misdemeanor.

When clerk to furnish copies of depositions.

SEC. 51. After the arrest of the defendant, the clerk must, on payment of his fees, at the rate of twenty-five cents for every hundred

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words, within two days after the demand, furnish a copy of the depositions to the defendant, or his counsel.

SEC. 52. No grand juror, district attorney, clerk, judge, or other officer, can disclose the fact of a presentment having been made for a felony, until the defendant has been arrested; but this prohibition does not extend to a disclosure by the issuing, or in the execution of a warrant to arrest the defendant.

Certain officers not to disclose facts of presentment.

SEC. 53. A violation of the provisions of this last section, is punishable as a contempt, and as a misdemeanor.

Violation of last section, misdemeanor.

SEC. 54. If the court deem that the facts stated in the presentment, constitute a public offence, triable in the county, it must direct the clerk to issue a bench warrant for the arrest of the defendant.

When court to direct clerk to issue bench warrant.

SEC. 55. The clerk, on the application of the district attorney, may accordingly, at any time after the order, whether the court be sitting or not, issue a bench warrant under his signature, and the seal of the court into one or more counties.

When clerk to issue bench warrant.

SEC. 56. The bench warrant upon a presentment, must be substantially in the following form:

Form of bench warrant.

Territory of Minnesota, }
County of }

To any sheriff or constable in the said territory, greeting:

A presentment having been made on the _____ day of _____, A. D. 18____, to the district court for the county of _____, in the territory aforesaid, charging C. D. with the crime of (here designate the charge generally.) Therefore in the name of the United States, you are commanded forthwith to arrest the above named C. D., and take him before E. F., a magistrate of this county, or in case of his absence or inability to act, before the nearest or most accessible magistrate in this county, there to be dealt with according to law.

Dated at _____, the _____ day of _____, A. D. 18____.

By order of the court.

C. H., clerk.

SEC. 57. The bench warrant may be served in any county in the territory, and the officer serving it must proceed thereon in all respects, as upon a warrant of arrest on an information or complaint; and when served in another county, the warrant need not be indorsed by a magistrate in that county.

Bench warrant where and how served.

SEC. 58. The magistrate, when the defendant is brought before him, must proceed upon the charge contained in the presentment, in the same manner in all respects, as upon a warrant of arrest on an information or complaint.

Magistrate how to proceed when defendant brought before him.

SEC. 59. Upon the arrest of the defendant, the clerk with whom the presentment and depositions are filed, must, without delay, furnish to the magistrate before whom the defendant is taken, a certified copy of the presentment and depositions.

Clerk must furnish copies of presentment and depositions.