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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.

PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

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1851

CHAPTER 98.

OF CRIMES AND PUNISHMENTS.

	SECTION	SECTION
	1. Crime or public offence defined.	4. Misdemeanor.
	2. Crimes how divided.	5. Party prosecuted designated defendant.
	3. Felony defined.	
Crime or public offence defined.	SEC. 1. A crime or public offence is an act or omission forbidden by law, and to which is annexed upon conviction, either of the following punishments :	
	1. Death :	
	2. Imprisonment :	
	3. Fine :	
	4. Removal from office ; or,	
	5. Disqualification to hold and enjoy any office of honor, trust, or profit under the laws of this territory.	
Crimes how divided.	SEC. 2. Crimes or public offences are divided into :	
	1. Felonies ; and,	
	2. Misdemeanors.	
Felony defined.	SEC. 3. A felony is a public offence punishable with death, or which is, or in the discretion of the court may be, punishable by imprisonment in the penitentiary or territorial prison.	
Misdemeanor.	SEC. 4. Every other public offence is a misdemeanor.	
Party prosecuted designated defendant.	SEC. 5. The party prosecuted in a criminal action is designated as the defendant.	

CHAPTER 99.

OF THE RIGHTS OF PERSONS WHO ARE ACCUSED OF CRIMES AND OFFENCES.

	SECTION	SECTION
	1. Person not held to answer except on presentment or indictment.	dictment, &c.
	2. Rights of defendant in criminal actions.	5. Person acquitted on ground of variance may be again indicted.
	3. Person not to be convicted except upon confession or verdict of jury.	6. Person not to be punished for crime until after legal conviction.
	4. Person not held to answer on second in-	
Person not held to answer except on presentment or indictment.	SEC. 1. No person shall be held to answer for criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or	

arising in the army, or militia when in actual service in time of war or public danger.

SEC. 2. In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf, and in prosecutions by indictment or information, to a speedy public trial by an impartial jury of the county or district wherein the offence shall have been committed, which county or district shall have been previously ascertained by law.

Rights of defendant in criminal actions.

SEC. 3. 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.

Person not to be convicted except upon confession or verdict of jury.

SEC. 4. No person shall be held to answer on a second indictment for an offence of which he has been acquitted by the jury upon the facts and merits on a former trial; but such acquittal may be pleaded by him in bar of any subsequent prosecution for the same offence, notwithstanding any defect in the form or in the substance of the indictment on which he was acquitted.

Person not held to answer on second indictment, &c.

SEC. 5. If any person who is indicted for an offence, shall on his trial be acquitted upon the ground of a variance between the indictment and the proof, or upon any exception to the form or to the substance of the indictment, he may be arraigned again on a new indictment, and may be tried and convicted for the same offence notwithstanding such former acquittal.

Person acquitted on ground of variance may be again indicted.

SEC. 6. No person who is charged with any offence against the law, shall be punished for such offence unless he shall have been duly and legally convicted thereof in a court having competent jurisdiction of the cause and of the person.

Person not to be punished for crime until after legal conviction.

CHAPTER 100.

OF OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

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5. Justifiable homicide.
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9. Manslaughter in the first degree.

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