

*James C. Child*  
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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COMPILED BY  
MOSES SHERBURNE and WILLIAM HOLLINSHEAD, Esqrs.,  
COMMISSIONERS.

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of which is hereto annexed, marked A.) and for (constructing, or say, altering, or say repairing a certain boat called, (and so forth,) giving a description of the water craft; or say erecting, or say repairing a certain house, or say mill, giving the common name of the building; or say a certain piece of land, giving location, etc.; or say a lot of timber, or logs, or lumber, etc.)

And affiant further makes oath and says: That the said C. D. was, at the time said contract was entered into and said labor was performed, and said materials (or say machinery) was furnished, the owner of house, (or say mill, or say said manufactory, naming the kind of building,) and that said building is situate upon a certain lot of land owned by said C. D., in town, section, range, in said county, and this affiant claims a lien on the premises.

(Signed,)

A. B.

Sworn and subscribed before me this day of, A. D. 18  
H— G—, J. P.

Repeal of former acts.

(39.) SEC. XIX. All acts and parts of acts inconsistent hereunto are hereby repealed.

(40.) SEC. XX. This act shall take effect from and after its passage.

CHAPTER 87.

CRIMES AND PUNISHMENTS.

SECTION

1. Crime or public offense defined.
2. Crimes how divided.
3. Felony defined.

SECTION

4. Misdemeanor.
5. Party prosecuted designated defendant.

✓ [Chapter 98, Revised Statutes.]

Crime or public offense defined.

(1.) SEC. I. A crime or public offense 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.

Division of crimes and public offenses.

(2.) SEC. II. Crimes and public offenses are divided into:

1. Felonies; and
2. [As amended on page 22 of the amendments of 1852 of the revised statutes:] Misdemeanors;

How modified.

Crimes and public offenses, and criminal proceedings, are modified as prescribed in these statutes.

Felony defined.

(3.) SEC. III. A felony is a public offense punishable with death, or which is, or in the discretion of the court may be, punishable by imprisonment in the penitentiary or territorial prison.

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| <p>(4.) SEC. IV. Every other public offense is a misdemeanor.</p> <p>(5.) The party prosecuted in a criminal action is designated as the defendant.</p> | <p>Misdemeanor.</p> <p>Party prosecuted designated defendant.</p> |
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CHAPTER 88.

RIGHTS OF PERSONS ACCUSED OF CRIMES AND OFFENSES.

SECTION

1. Person not held to answer except on presentment or indictment.
2. Rights of defendant in criminal actions.
3. Person not to be convicted except upon confession or verdict of jury.

SECTION

4. Person not held to answer on second indictment, &c.
5. Person acquitted on ground of variance may be again indicted.
6. Person not to be punished for crime until after legal conviction.

[Chapter 88, Revised Statutes.]

(1.) SEC. I. No person shall be held to answer for a criminal offense, 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.

Person not held to answer except on presentment or indictment.

(2.) SEC. II. 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 offense shall have been committed, which county or district shall have been previously ascertained by law.

Rights of defendant in criminal actions.

(3.) SEC. III. No person indicted for an offense 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.

(4.) SEC. IV. No person shall be held to answer on a second indictment for an offense 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 offense, 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.

(5.) SEC. V. If any person who is indicted for an offense, 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 offense notwithstanding such former acquittal.

Person acquitted on ground of variance may be again indicted.

(6.) SEC. VI. No person who is charged with any offense against the law, shall be punished for such offense 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.