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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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C. S. p. 767, Sect. 11.

1 SECT. 11. If the defendant refuses to answer the in-
 2 dictment, by demurrer, or plea, a plea of not guilty shall
 3 be entered.

CHAPTER CXIII.

CHANGE OF VENUE IN CRIMINAL CASES.

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C. S. p. 768, Sect. 1.

1 SECTION 1. All criminal causes shall be tried in the coun-
 2 ty where the offense was committed except where other-
 3 wise provided by law, unless it appears to the satisfaction of
 4 the court, by affidavit, that a fair and impartial trial cannot
 5 be had in such county, in which case the court before whom
 6 the cause is pending, if the offense charged in the indict-
 7 ment is punishable with death or imprisonment in the state
 8 prison, may direct the person accused, to be tried in some
 9 adjoining county, where a fair and impartial trial can be
 10 had; but the party accused is entitled to a change of venue
 11 but once and no more.

C. S. p. 768, Sect. 2.

1 SECT. 2. When the venue is changed to an adjoining
 2 county, in a criminal case, the trial shall be conducted in
 3 all respects as if the indictment had been found in the coun-
 4 ty to which the venue is changed: and the costs accruing
 5 from a change of venue shall be paid by the county in which
 6 the offence was committed.

C. S. p. 768, Sect. 3.
Amended.

1 SECT. 3. When the court has ordered a change of ven-
 2 ue, it shall require the accused, if the offense is bailable, to
 3 enter into a recognizance with good and sufficient sureties,
 4 to be approved by the court or judge, in such sum as the
 5 court or judge may direct, and conditioned for his appear-
 6 ance in the court to which the venue is changed, at the first
 7 day of the next term thereof, and to abide the order of such
 8 court; and in default of such recognizance, or if the offense
 9 is not bailable, a warrant shall be issued, directed to the
 10 sheriff, commanding him safely to convey the prisoner to
 11 the jail of the county where he is to be tried, there to be
 12 safely kept by the jailor thereof until discharged by due
 13 course of law.

C. S. p. 768, Sect. 4.

1 SECT. 4. When a change of venue is allowed, the court
 2 shall recognize the witnesses on the part of the state
 4 to appear before the court in which the prisoner is to be
 5 tried.

1 SECT. 5. The attorney on behalf of the state may also
 2 apply for a change of venue, and the court being satisfied C. S. p. 769, Sect. 5. c 110
 3 that it will promote the ends of justice may award a change
 4 of venue upon the same terms and to the same extent that
 5 are provided in this chapter, and the proceedings on such
 6 change of venue shall be in all respects as above provided.

CHAPTER CXIV.

ISSUES AND MODE OF TRIAL.

1 SECTION 1. An issue of fact arises : C. S. p. 769, Sect. 1. c 111
 2 *First.*—Upon a plea of not guilty ; or
 3 *Second.*—Upon a plea of a former conviction or acquittal
 4 of the same offense.

1 SECT. 2. An issue of fact shall be tried by a jury of the C. S. p. 769, Sect. 2.
 2 county in which the indictment was found, unless the action
 3 is removed, by order of the court, as provided in the pre-
 4 ceding chapter.

1 SECT. 3. If the indictment is for a misdemeanor, the C. S. p. 769, Sect. 3.
 2 trial may be had in the absence of the defendant, if he ap-
 3 pears by counsel ; but if for a felony he shall be personally
 4 present.

1 SECT. 4. When an indictment is called for trial, or at C. S. p. 772, Sect. 1. c 114
 2 any time previous thereto the court may, upon sufficient
 3 cause shown by either party, direct the trial to be postponed
 4 to another day in the same term, or to another term ; the
 5 affidavits read upon the application shall at the same time
 6 be filed with the clerk.

1 SECT. 5. When a defendant, who has given bail, ap- C. S. p. 769, Sect. 14. c 118
 2 pears for trial, the court may in its discretion, at any time
 3 after his appearance for trial, order him to be committed to
 4 the custody of the proper officer of the county, to abide the
 5 judgment or further order of the court.

1 SECT. 6. When two or more defendants are jointly in- C. S. p. 762, Sect. 3. c 118
 2 dicted for a felony, any defendant requiring it, shall be tried
 3 separately ; in other cases defendants jointly indicted, may
 4 be tried separately, or jointly in the discretion of the court.

1 SECT. 7. When two or more persons are included in the C. S. p. 762, Sect. 4. c 118
 2 same indictment, the court may at any time before the de-