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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.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

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5 had, shall file a certified copy of the record and proceedings
6 in the case in the supreme court, and the court shall have
7 cognizance thereof and consider and decide the questions of
8 law, and shall render judgment, or make such order thereon
9 as law and justice require; and if a new trial is ordered, the
10 cause shall be remanded to the said district court for such
11 new trial.

c71

c. s. p. 624, Sect. 31.
Amended.

1 SECT. 10. If any of the provisions herein made requi-
2 site to the taking of an appeal or a writ of error, are not
3 complied with, the supreme court may dismiss the same, but
4 no discontinuance, or dismissal of an appeal or writ of error
5 in the supreme court, shall preclude the party from suing
6 out another writ of error or taking another appeal, in the
7 same cause within the time limited by law.

CHAPTER CXVIII.

JUDGMENTS IN CRIMINAL CASES, AND THE EXECUTION THEREOF.

c118

c. s. p. 735, Sect. 43.

1 SECTION 1. When judgment upon a conviction is ren-
2 dered, the clerk shall enter the same upon the minutes,
3 stating briefly the offense for which the conviction was had,
4 and immediately annex together, and file the following pa-
5 pers which constitute the judgment roll:

6 *First.*—A copy of the minutes of challenge interposed
7 by the defendant to the panel of the grand jury, or to an
8 individual grand juror, and the proceedings and decisions
9 thereon;

10 *Second.*—The indictment, and a copy of the minutes of
11 the plea, or demurrer;

12 *Third.*—A copy of the minutes of any challenge, inter-
13 posed to the panel of the trial jury to an individual juror,
14 and the proceedings and decision thereon;

15 *Fourth.*—A copy of the minutes of the trial;

16 *Fifth.*—A copy of the minutes of the judgment;

17 *Sixth.*—The bill of exceptions, if there is one.

c116

c. s. p. 779, Sect. 4.

1 SECT. 2. Whenever any person convicted of an offense
2 is sentenced to pay a fine, or costs, or to be imprisoned in
3 the county jail, or state prison, the clerk of the court shall,
4 as soon as may be, make out and deliver to the sheriff of
5 the county, or his deputy, a transcript from the minutes of
6 the court, of such conviction and sentence, duly certified
7 by such clerk, which shall be a sufficient authority for such

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8 sheriff to execute such sentence; and he shall execute the
9 same accordingly.

1 SECT. 3. When any person is convicted of any crime,
2 for which sentence of death is awarded against him, the
3 clerk of the court, as soon as may be, shall make out and C. S. p. 780, Sect. 7. c 116
4 deliver to the sheriff of the county, a certified copy of the
5 whole record of the conviction and sentence, and the sheriff
6 shall forthwith transmit the same to the governor, and the
7 sentence of death shall not be executed upon such convict,
8 until a warrant is issued by the governor, under the seal of
9 the state, with a copy of the record thereto annexed, com-
10 manding the sheriff to cause the execution to be done, and
11 the sheriff shall thereupon cause to be executed the judg-
12 ment and sentence of the law upon such convict.

1 SECT. 4. The judge of the court, at which a conviction
2 requiring judgment of death is had, shall immediately after C. S. p. 784, Sect. 20. c 118
3 conviction, transmit to the governor, by mail, a statement
4 of the conviction and judgment and of the testimony given
5 at the trial.

1 SECT. 5. In every case in which punishment in the
2 state prison is awarded against any convict, the form of the C. S. p. 779, Sect. 5. c 116
3 sentence shall be, that he be punished by confinement at Amended.
4 hard labor; *Provided*, That whenever practicable, the term
5 of imprisonment shall be so fixed that it will expire between
6 the first day of April and the first day of November.

1 SECT. 6. In any case of legal conviction where no pun-
2 ishment is provided by statute, the court shall award such C. S. p. 779, Sect. 1. c 116
3 sentence as is according to the degree and aggravation of
4 the offense not cruel or unusual, nor repugnant to the con-
5 stitutional rights of the party.

1 SECT. 7. Every court before whom any person is con-
2 victed upon an indictment for any offense not punishable C. S. p. 779, Sect. 2.
3 with death, or by imprisonment in the state prison, or coun-
4 ty jail, may, in addition to the punishment prescribed by
5 law, require such person to recognize with sufficient sure-
6 ties, in a reasonable sum, to keep the peace or to be of good
7 behavior, or both, for any term not exceeding two years,
8 and to stand committed until he shall so recognize.

1 SECT. 8. In case of the breach of the conditions of any
2 such recognizance, the same proceedings shall be had, that C. S. p. 779, Sect. 8.
3 are by law prescribed in relation to recognizances to keep
4 the peace.

1 SECT. 9. Whenever it appears to the court, at the time

c 116

C. S. p. 770, Sect. 6.

2 of passing sentence upon any convict, who is to be punish-
 3 ed by confinement in the state prison, or county jail, that
 4 there is no jail in the county in which the offense was com-
 5 mitted, suitable for the confinement of such convict, the
 6 court may order the sentence to be executed in any county
 7 in this state, in which there is a jail suited to that purpose;
 8 and the expenses of supporting such convict shall be borne,
 9 if such convict was sentenced to imprisonment in the county
 10 jail, by the county in which the offense was committed.

C. S. p. 780, Sect. 8.

1 SECT. 10. If it appears to the satisfaction of the gover-
 2 nor, that any convict who is under sentence of death, has
 3 become insane, the warrant for his execution may be de-
 4 layed; or if such warrant has been issued, the execution
 5 thereof may be respited from time to time, so long as the
 6 governor thinks proper; and if any female convict, who is
 7 under sentence of death, shall be quick with child, the gov-
 8 ernor shall forbear to issue a warrant for the execution; or
 9 if such warrant has been issued, the execution thereof shall
 10 be respited, until it appears to the satisfaction of the gov-
 11 ernor that such female is no longer quick with child.

C. S. p. 780, Sect. 9.

1 SECT. 11. The punishment of death shall, in all cases,
 2 be inflicted by hanging the convict by the neck, until he is
 3 dead; and the sentence shall at the time directed by the
 4 warrant, be executed at such place within the county as the
 5 sheriff shall select.

C. S. p. 780, Sect. 10.

1 SECT. 12. Whenever the punishment of death is inflicted
 2 upon any convict, in obedience to a warrant from the gov-
 3 ernor, the sheriff of the county shall be present at the exe-
 4 cution, unless prevented by sickness, or other casualty; and
 5 he may have such military guard as he may think proper.
 6 He shall return the warrant with a statement under his
 7 hand, of his doings thereon, as soon as may be, after the
 8 said execution, to the governor; and shall also file in the
 9 clerk's office of the court where the conviction was had, an
 10 attested copy of the warrant and statement aforesaid, and
 11 the clerk shall subjoin a brief abstract of such statement to
 12 the record of conviction and sentence.

CHAPTER CXIX.

PARDONS.

1 SECTION 1. . In all cases in which the governor is author-