

THE *J. Rogers*  
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND  
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,  
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE  
ACT AUTHORIZING A STATE GOVERNMENT, AND THE  
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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Edited and Published under the authority of Chapters 15 and 16 of  
the Laws of 1866.

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1872.

be asked to give his true name.

Proceedings when he gives another as his true name.

Time to plead allowed.

Defendant may move to set aside indictment, may demur or plead.

if the name by which he is indicted is not his true name, he shall then declare his true name, or be proceeded against by the name in the indictment. If he gives no other name, the court may proceed accordingly.

SEC. 17. If he alleges that another name is his true name, the court shall direct an entry thereof in the minutes of the arraignment, and the subsequent proceedings on the indictment may be had against him by that name, referring also to the name by which he is indicted.

SEC. 18. If on the arraignment the defendant requires it, he shall be allowed until the next day, or such further time may be allowed him as the court deems reasonable, to answer the indictment.

SEC. 19. If the defendant does not require time, as provided in the last section, or if he does, then on the next day, or at such further day as the court may have allowed him, he may, in answer to the arraignment, either move the court to set aside the indictment, or may demur or plead thereto.

CHAPTER CX.

SETTING ASIDE INDICTMENT.

SECTION

1. Indictment shall be set aside, when.
2. Objections to indictment, waived, when.
3. Motion to set aside indictment heard, when.
4. If motion is denied, defendant shall demur or plead.

SECTION

5. Proceedings, if motion is granted.
6. Effect of re-submission of case to grand jury.
7. Proceedings, if new indictment is not found.
8. Order setting aside indictment no bar to another prosecution.

Indictment shall be set aside, when.

10 Min. 223.

Objections to indictment waived, when.

Motion to set aside indictment heard, when.

If motion is denied, defendant shall demur or plead.

Proceedings, if motion is granted.

SECTION 1. The indictment shall be set aside by the court in which the defendant is arraigned, upon his motion in either of the following cases :

*First.* When it is not found, indorsed, and presented as prescribed in the chapter relating to grand-juries ;

*Second.* When the names of the witnesses examined before the grand-jury are not inserted at the foot of the indictment, or indorsed thereon ;

*Third.* When a person is permitted to be present during the session of the grand-jury, while the charge embraced in the indictment was under consideration, except as provided in section thirty-nine of said chapter.

SEC. 2. If the motion to set aside the indictment is not made, the defendant is precluded from afterward taking the objections mentioned in the last section.

SEC. 3. The motion shall be heard at the time of the arraignment, unless for good cause the court postpones the hearing to another time.

SEC. 4. If the motion is denied, the defendant shall immediately answer the indictment, either by demurring or pleading thereto.

SEC. 5. If the motion is granted, the court shall order that the defendant, if in custody, be discharged therefrom, or if admitted to bail, that his bail be exonerated, or if he has deposited money instead of bail, that the

money be refunded to him; unless it directs that the case be re-submitted to the same, or another grand-jury.

SEC. 6. If the court directs that the case be re-submitted, the defendant, if already in custody, shall so remain, unless he is admitted to bail; or if already admitted to bail, or money deposited instead thereof, the bail or money is answerable for the appearance of the defendant, to answer a new indictment. Effect of re-submission of case.

SEC. 7. Unless a new indictment is found before the next grand-jury of the county is discharged, the court shall on the discharge of such grand-jury, make the order prescribed by section five aforesaid. Proceedings, if new indictment is not found.

SEC. 8. An order to set aside an indictment, as provided in the seven preceding sections, is no bar to a future prosecution for the same offense. Order setting aside indictment no bar to another prosecution.

CHAPTER CXI.

DEMURRERS.

SECTION

1. Pleading by defendant is by demurrer or plea.
2. When pleading shall be put in.
3. Defendant may demur to indictment, for what causes.
4. Demurrer shall specify what.
5. Shall be heard, when.
6. Judgment on demurrer.
7. If demurrer is allowed, court may grant

SECTION

- amendment or direct re-submission of the case.
8. If amendment is not granted or case re-submitted, defendant shall be discharged.
9. Proceedings when case is submitted anew.
10. If demurrer is disallowed, defendant may plead.
11. What objections can only be taken by demurrer.

SECTION 1. The only pleading on the part of the defendant, is a demurrer or a plea. Pleading by defendant.

SEC. 2. Both the demurrer and the plea shall be put in in open court, either at the time of the arraignment, or at such other time as may be allowed to the defendant for that purpose. When put in.

SEC. 3. The defendant may demur to the indictment, when it appears from the face thereof, either, Defendant may demur to indictment for what causes.

*First.* That the grand jury by which it was found, had no legal authority to inquire into the offense charged, by reason of its not being within the local jurisdiction of the county;

*Second.* That it does not substantially conform to the requirements of sections one, two, three and four, of chapter one hundred and eight, as the same are qualified by section ten of the same chapter, or was not found within the time prescribed by section eighteen; 4 Min. 345.

*Third.* That more than one offense is charged in the indictment, except in cases where it is allowed by statute;

*Fourth.* That the facts stated do not constitute a public offense;

*Fifth.* That the indictment contains any matter, which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.