STATUTES AT LARGE

OF THE

STATE OF MINNESOTA.

PART IV.

OF THE ADMINISTRATION OF CRIMINAL JUSTICE.

CHAPTER LIII.

OF THE RIGHTS OF PERSONS ACCUSED OF CRIME.

(*This Chapter is Chapter XCII. of the Statutes of* 1866.)

SECTION 1. *Person arrested to be informed of ground of arrest—penalty for false answer.*—Every person arrested by virtue of process, or taken into custody by an officer of this state, has a right to know from the officer who arrests or claims to detain him the true ground on which the arrest is made; and an officer who refuses to answer a question relative to the reason for such arrest, or answers such question untruly, or assigns to the person arrested an untrue reason for the arrest, or neglects, on request, to exhibit to the person arrested, or any other person acting in his behalf, the precept by virtue of which such arrest is made, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the common jail not exceeding one year.

SEC. 2. *Defendant presumed innocent, and entitled to benefit of reasonable doubt.*—A defendant in a criminal action is presumed to be innocent until the contrary is proved; and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to an acquittal.

State *v.* Laliyer, 4 Minn. 368; State *v.* Dineen, 10 Minn. 407; Same *v.* Hazard, 12 Minn. 293; Same *v.* Gut, 13 Minn. 341; Same *v.* Staley, 14 Minn. 105.

SEC. 3. *Defendant convicted of lowest offense, when.*—When it appears that a defendant has committed a public offense, and there is reasonable grounds of doubt, of which of two or more degrees he is guilty, he can be convicted of the lowest of these degrees only.

SEC. 4. *Conviction, how obtained.*—No person indicted for an offense shall be convicted thereof, unless by a 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.

SEC. 5. *Acquittal a bar to second indictment, when.*—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; 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 substance of the indictment on which he was acquitted.

SEC. 6. *When acquittal is not a bar.*—Whoever is acquitted upon the ground of a variance between the indictment and the proof, or upon any exception to the form or substance of the indictment, may be arraigned again on a new indictment, and may be tried and convicted for the same offense, notwithstanding such former acquittal.

SEC. 7. *Court to order prosecution dismissed, when.*—When a person has been held to answer for a public offense, if an indictment is not found against him at the next term of the court at which he is held to answer, the court shall order the prosecution to be dismissed, unless good cause to the contrary is shown.

SEC. 8. *Indictment dismissed, when.*—If a defendant indicted for a public offense, whose trial has not been postponed upon his application, is not brought to trial at the next term of the court in which the indictment is triable after it is found, the court shall order the indictment to be dismissed, unless good cause to the contrary is shown.

SEC. 9. *Action continued, when—defendant let to bail.*—If the defendant is not indicted, or tried, as provided in the last two sections, and sufficient reason therefore is shown, the court may order the action to be continued from term to term, and in the meantime he shall be committed, or, if the offense is bailable, shall recognize in a sum and with sureties to the satisfaction of the court.

SEC. 10. *Effect of dismissal of action.*—If the court directs the action to be dismissed, the defendant shall, if in custody, be discharged therefrom; or if admitted to bail, his bail is exonerated, or money deposited instead of bail shall be refunded to him.

SEC. 11. *Defendant entitled to blank subpœnas for witnesses.*—The clerk of the court at which any indictment is to be tried, shall at all times, upon the application of the defendant, and without charge, issue as many blank subpœnas under the seal of the court, and subscribed by him as clerk, for witnesses within the state, as are required by the defendant.

SEC. 12 (ACT OF MARCH 5, 1869). *When court may appoint counsel for defense.*—Whenever a defendant shall be arraigned upon an indictment for any criminal offense punishable by death or by imprisonment in the state prison, and shall request the court wherein the indictment is pending to appoint counsel to assist him in his defense, and shall satisfy the said court by his own oath or such proof as the said court shall require that he is unable by reason of poverty to procure

counsel, the court shall appoint counsel for said defendant, not exceeding two, to be paid by the county wherein the indictment was found, by order of said court. The amount of compensation of such counsel shall be fixed by the said court in each case, and shall not exceed ten dollars per day for each counsel, and shall be confined to the time in which such counsel shall have been actually employed in court upon the trial of such indictment.

S. L. 1869, 86.