

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
GEORGE B. YOUNG.

EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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the court shall order the indictment to be dismissed, unless good cause to the contrary is shown.

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

§ 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.

§ 11. **Defendant entitled to blank subpoenas.** 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 subpoenas, under the seal of the court, and subscribed by him as clerk, for witnesses within the state, as are required by the defendant.

*§ 12. **When court may appoint counsel for defendant—compensation.** That whenever a defendant shall be arraigned upon an indictment for any criminal offence 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 defence, 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: *provided*, that the compensation to counsel in any one case shall not exceed the sum of ten dollars, when such case is heard or tried in the counties of Hennepin or Ramsey. (1869, c. 72, § 1, as amended 1876, c. 56, § 1.)

*§ 13. **Depositions for defence—how taken and used—how paid for.** That upon cause shown to the court wherein any criminal action is pending, the judge thereof may, by order, allow depositions of witnesses on behalf of the prisoner to be taken in the same manner and in the like cases where depositions may be taken in civil actions; and the depositions so taken may be used upon the trial of such prisoner, in his behalf, as depositions are now allowed and used in civil actions: *provided*, that the expense attending the taking and return of such depositions shall be paid by the defendant in such action, except the court shall otherwise direct, by order duly entered upon the minutes of the court. (1876, c. 57, § 1.)

CHAPTER XCIII.

OF OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

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1. Treason against state defined.
2. Punishment of treason.

SECTION

3. Misprision of treason, defined—how punished.
4. Two witnesses required to convict of treason.

§ 1. **Treason against state, defined.** Treason against this state shall consist only in levying war against the same, or in adhering to the enemies thereof, giving them aid and comfort.

§ 2. Same—punishment. Whoever commits treason against this state shall be punished by imprisonment in the state prison for life.

§ 3. Misprision of treason, how punished. Whoever, having knowledge of the commission of treason, conceals the same, and does not, as soon as may be, disclose and make known [such treason] to the governor or one of the judges of the supreme court, shall be adjudged guilty of the offence of misprision of treason, and be punished by fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or in the common jail not exceeding two years.

§ 4. Two witnesses required to convict of treason. No person shall be convicted of treason but by the testimony of two lawful witnesses to the same overt act of treason whereof he stands indicted, unless he confesses the same in open court.

CHAPTER XCIV.

OFFENCES AGAINST LIFE AND PERSON.

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§ 1. Killing of human being—character of offence. The killing of a human being, without the authority of law, by poison, shooting, stabbing, or any other means, or in any other manner, is either murder, manslaughter, or excusable or justifiable homicide, according to the facts and circumstances of each case.

§ 2. Murder—degrees of murder—how punished. Such killing, when perpetrated with a premeditated design to effect the death of the person killed, or any human being, shall be murder in the first degree, and whoever is convicted of the same shall suffer the penalty of death; but any person convicted of any capital crime shall be kept in solitary confinement for a period of not less than one month nor more than six months, in the discretion of the judge before whom the conviction is had; at the expiration of which time it shall be the duty of