

GENERAL STATUTES
OF THE
STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, 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.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

ST. PAUL:
WEST PUBLISHING CO.
1888.

ments as to matters of form only, and not as to matters of substance. Inserting the name of the county in which the offense was committed is not such an amendment as is permitted under such section. *State v. Armstrong*, 4 Minn. 335, (Gil. 251.)

See *State v. Comfort*, 22 Minn. 271, 272.

§ 11. Objections to be taken by demurrer only.

See *State v. Loomis*, 27 Minn. 521, 525, 8 N. W. Rep. 753; *State v. Reckards*, 21 Minn. 47, 49.

CHAPTER 112.

PLEAS.

§ 1. Pleas enumerated.

SUBD. 3. Where the same act causes the death of two persons, an acquittal of the murder of one is not a bar to a prosecution for the murder of the other. *People v. Majors*, (Cal.) 3 Pac. Rep. 597.

Where a jury impaneled to try defendant is discharged upon his motion, such discharge will not support a plea of former jeopardy, in a subsequent trial. *People v. Gardner*, (Mich.) 29 N. W. Rep. 19.

Plea of former acquittal, based on a stipulation that a former conviction should include all prior offenses. *State v. Sterrenberg*, (Iowa,) 29 N. W. Rep. 457.

Continuance and discharge of the jury in the former prosecution. *State v. Falconer*, (Iowa,) 30 N. W. Rep. 655.

A plea alleging a former prosecution and trial, but failing to aver the result of such trial, or that any verdict was returned or final judgment rendered, is bad. *Hensley v. State*, (Ind.) 8 N. E. Rep. 692.

Parol evidence in support of a plea of former jeopardy. *Walter v. State*, (Ind.) 5 N. E. Rep. 735.

See, also, *State v. Parker*, (Iowa,) 24 N. W. Rep. 225; *State v. Mikesell*, (Iowa,) 30 N. W. Rep. 474; *State v. Clark*, (Iowa,) 23 N. W. Rep. 537; *People v. Pline*, (Mich.) Id. 83.

§ 3. Entry of plea.

A record failing to disclose affirmatively that a plea was entered, shows a mistrial, and the error is not cured by a recital in the bill of exceptions that defendant pleaded not guilty. *Bowen v. State*, (Ind.) 9 N. E. Rep. 378. See *Billings v. State*, (Ind.) 6 N. E. Rep. 914.

CHAPTER 113.

CHANGE OF VENUE IN CRIMINAL CASES.

§ 1. Place of trial—Change of venue.

Upon a motion on affidavit by a defendant in a criminal case, under this chapter, for a change of venue, counter-affidavits may be used. Such an application being in the discretion of the court, the decision will not be reviewed unless there is an abuse of discretion. *State v. Stokely*, 16 Minn. 282, (Gil. 249.)

As to the discretion of the court upon an application for change of venue, see *State v. Foley*, (Iowa,) 21 N. W. Rep. 162; *State v. Hale*, (Iowa,) 23 N. W. Rep. 682; *State v. Perigo*, (Iowa,) 23 N. W. Rep. 452.

See, also, *Spittorff v. State*, (Ind.) 8 N. E. Rep. 911; *Shular v. State*, (Ind.) 4 N. E. Rep. 870.