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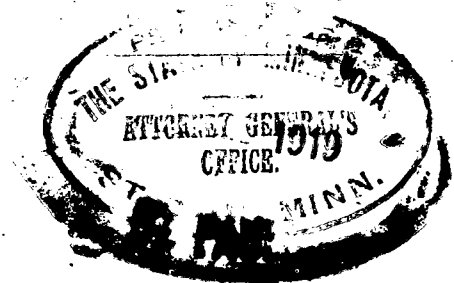
GENERAL STATUTES

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.

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2 out counsel, he shall be informed by the court that it is
 3 his right to have counsel before being arraigned, and shall
 4 be asked if he desires the aid of counsel. C. S. p. 768, Sect. 14. c 106

1 SECT. 15. The arraignment shall be made by the court,
 2 or by the clerk or county attorney, under its direction, and
 3 consists in reading the indictment to the defendant and de- C. S. p. 768, Sect. 15.
 4 livering to him a copy thereof, and of the indorsements
 5 thereon, including the list of witnesses indorsed on it or ap-
 6 pended thereto, and asking him whether he pleads guilty
 7 or not guilty to the indictment.

1 SECT. 16. When the defendant is arraigned he shall be C. S. p. 768, Sects. 16
 2 informed that if the name by which he is indicted is not his & 17, combined.
 3 true name, he shall then declare his true name, or be pro-
 4 ceeded against by the name in the indictment. If he gives
 5 no other name the court may proceed accordingly.

1 SECT. 17. If he alleges that another name is his true
 2 name, the court shall direct an entry thereof in the minutes C. S. p. 768, Sect. 18.
 3 of the arraignment, and the subsequent proceedings on the
 4 indictment may be had against him by that name, referring
 5 also to the name by which he is indicted.

1 SECT. 18. If on the arraignment the defendant requires
 2 it, he shall be allowed until the next day, or such further C. S. p. 768, Sect. 19.
 3 time may be allowed him as the court deems reasonable to
 4 answer the indictment.

1 SECT. 19. If the defendant does not require time as pro- C. S. p. 768, Sect. 20.
 2 vided in the last section, or if he does, then on the next day,
 3 or at such further day as the court may have allowed him,
 4 he may, in answer to the arraignment, either move the
 5 court to set aside the indictment, or may demur or plead
 6 thereto.

CHAPTER CX.

SETTING ASIDE INDICTMENT.

1 SECTION 1. The indictment shall be set aside by the
 2 court in which the defendant is arraigned, upon his motion C. S. p. 764, Sect. 1. c 107
 3 in either of the following cases:

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

6 *Second.*—When the names of the witnesses examined be-

7 fore the grand jury are not inserted at the foot of the in-
8 dictment, or indorsed thereon;

9 *Third.*—When a person is permitted to be present dur-
10 ing the session of the grand jury, while the charge embrac-
11 ed in the indictment was under consideration, except as
12 provided in section thirty-nine of said chapter.

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C. S. p. 764, Sect. 2.

1 SECT. 2. If the motion to set aside the indictment is not
2 made, the defendant is precluded from afterwards taking
3 the objections mentioned in the last section.

C. S. p. 764, Sect. 3.

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

C. S. p. 764, Sect. 4.

1 SECT. 4. If the motion is denied, the defendant shall
2 immediately answer the indictment, either by demurring or
3 pleading thereto.

C. S. p. 764, Sect. 5.

1 SECT. 5. If the motion is granted, the court shall order
2 that the defendant, if in custody, be discharged therefrom,
3 or if admitted to bail, that his bail be exonerated, or if he
4 has deposited money instead of bail, that the money be re-
5 funded to him; unless it directs that the case be re-sub-
6 mitted to the same, or another grand jury.

C. S. p. 764, Sect. 6.

1 SECT. 6. If the court directs that the case be re-submit-
2 ted, the defendant, if already in custody, shall so remain,
3 unless he is admitted to bail; or if already admitted to bail,
4 or money deposited instead thereof, the bail or money is
5 answerable for the appearance of the defendant to answer a
6 new indictment.

C. S. p. 764, Sect. 7.

1 SECT. 7. Unless a new indictment is found before the
2 next grand-jury of the county is discharged, the court shall
3 on the discharge of such grand jury, make the order pre-
4 scribed by section five aforesaid.

C. S. p. 764, Sect. 8.

1 SECT. 8. An order to set aside an indictment, as pro-
2 vided in the seven preceding sections, is no bar to a future
3 prosecution for the same offense.