

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.

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§ 20. Offense committed on county lines.

This section is not in conflict with § 6, art. 1, Const. *State v. Robinson*, 14 Minn. 447, (Gil. 333.)

It is sufficient, in an indictment under this section, to charge that the offense was committed in the county in which the indictment is found, or to charge that it was committed in the adjoining county, within one hundred rods of the dividing line. *Id.* See *State v. Anderson*, 25 Minn. 66.

§ 23. Homicide—Death out of state.

An indictment charging defendant with committing the crime of murder, by feloniously, etc., inflicting upon David Savazyo, etc., on August 28, 1874, in Washington county, in this state, a stab or wound of which, upon the same day, said Savazyo died in the county of Pierce, and state of Wisconsin, held to charge the commission of the offense in the county of Washington. *State v. Gessert*, 21 Minn. 369.

§ 24. Embezzlement—Evidence.

Evidence that the offense charged was committed before the time laid in the indictment is competent, and is not excluded by this section. *State v. New*, 22 Minn. 76.

CHAPTER 110.

SETTING ASIDE INDICTMENT.**§ 1. Grounds.**

It is not a ground for setting aside an indictment that there is another indictment pending in the same court against the same defendant for the same offense. *State v. Gut*, 13 Minn. 341, (Gil. 315.)

See *State v. Greenman*, 23 Minn. 209.

§ 2. Implied waiver of objections.

By not moving to set aside the indictment, or demurring, the defendant waives the objection that the indictment is not signed by the foreman of the grand jury. *State v. Shippey*, 10 Minn. 223, (Gil. 178.)

CHAPTER 111.

DEMURRERS.**§ 3. Grounds of demurrer.**

SUBD. 3. An indictment charging defendant with maintaining a building which overhangs a public street, and endangers the safety of people passing thereon, and with permitting to remain in said building large quantities of filth, emitting offensive stenches, dangerous to the public health, is demurrable, as charging two offenses. *Chute v. Minnesota*, 19 Minn. 271, (Gil. 230.)

See *State v. Wood*, 13 Minn. 121, (Gil. 112.)

SUBD. 4. A count in an indictment held bad, as not alleging acts, circumstances, and facts constituting an offense. *State v. McIntyre*, 19 Minn. 93, (Gil. 65.)

§ 7. Allowance of demurrer—Amendment.

Section 7, c. 108, Comp. St., authorizing the court, upon demurrer, to amend an indictment, "where the defendant will not be unjustly prejudiced thereby," permits amend-