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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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the defendant, at his election, to plead, which he must do forthwith, or at such time as the court may allow. If he do not plead, judgment must be pronounced against him.

allowed, defendant may plead.

SEC. 126. When the objections mentioned in section one hundred and eighteen, appear upon the face of the indictment, they can only be taken by demurrer, except that the objection to the jurisdiction of the court over the subject of the indictment, or that the facts stated do not constitute a public offence, may be taken at the trial, under the plea of not guilty, and in arrest of judgment.

Certain objections to be taken advantage of by demurrer.

CHAPTER 123.

OF PLEAS.

SECTION

- 127. Three kinds of plea to indictment.
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SECTION

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- 135. When acquittal is a bar to another prosecution.
- 136. When acquittal is a bar to another prosecution.
- 137. Plea of not guilty to be entered when defendant refuses to answer indictment.

SEC. 127. There are three kinds of pleas to an indictment; a

Three kinds of pleas to indictment.

- 1. Guilty:
- 2. Not guilty:

3. A former judgment of conviction, or acquittal of the offence charged, which may be pleaded either with or without the plea of not guilty.

SEC. 128. Every plea must be oral, and must be entered upon the minutes of the court.

Plea how made.

SEC. 129. The plea must be entered in substantially the following form:

Pleas how to be entered by the clerk.

- 1. If the defendant plead guilty: "The defendant pleads, that he is guilty of the offence charged in this indictment:"
- 2. If he plead not guilty: "The defendant pleads, that he is not guilty of the offence charged in this indictment:"
- 3. If he plead a former conviction, or acquittal: "The defendant pleads, that he has already been convicted (or acquitted, as the case may be,) of the offence charged in this indictment, by the judgment of the court of _____, (naming it,) rendered at _____, (naming the place,) on the _____ day of _____."

SEC. 130. A plea of guilty, can in no case be put in, except by the defendant himself, in open court, unless upon an indictment against a corporation, in which case it may be put in by counsel.

Plea of guilty must be put in by defendant himself, except in case of corporation.

SEC. 131. The court may, at any time before judgment upon a plea

When plea of guilt-

of guilty, permit it to be withdrawn, and a plea of not guilty substituted.

ty may be withdrawn.
Plea of not guilty what a denial of.
What may be given in evidence under plea of not guilty.
When acquittal not a bar to another prosecution.
When acquittal is a bar to another prosecution.
When acquittal is a bar to another prosecution.
Plea of not guilty when entered.

SEC. 132. The plea of not guilty, is a denial of every material allegation in the indictment.

SEC. 133. All matters of fact, tending to establish a defence, other than that specified in the third subdivision of section one hundred and twenty-nine, may be given in evidence, under the plea of not guilty.

SEC. 134. If the defendant were formerly acquitted on the ground of a variance between the indictment and the proof, or the indictment were dismissed upon an objection to its form or substance, without a judgment of acquittal, it is not an acquittal of the same offence.

SEC. 135. When, however, he was acquitted on the merits, he is deemed acquitted of the same offence, notwithstanding a defect in the form or substance in the indictment on which he was acquitted.

SEC. 136. When the defendant shall have been convicted or acquitted, upon an indictment for an offence consisting of different degrees, the conviction or acquittal is a bar to another indictment for the offence charged in the former, or for any inferior degree of that offence, or for an attempt to commit the same, or for an offence necessarily included therein, of which he might have been convicted under that indictment, as provided in sections two hundred and fifty-four and two hundred and fifty-five, of chapter one hundred and thirty-three.

SEC. 137. If the defendant refuse to answer the indictment, by demurrer, or plea, a plea of not guilty must be entered.

CHAPTER 124.

OF THE CHANGE OF VENUE IN CRIMINAL CASES.

<p>SECTION</p> <p>138. Criminal cases where tried, and when removed.</p> <p>139. Proceedings when venue is changed to another county.</p> <p>140. When venue is changed defendant must recognize to appear.</p>	<p>SECTION</p> <p>141. When venue is changed witnesses must recognize to appear.</p> <p>142. District attorney may apply for change of venue.</p>
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Criminal cases where tried, &c.

SEC. 138. All criminal causes shall be tried in the county where the offence was committed, except where otherwise provided by law, unless it shall appear to the satisfaction of the court, by affidavit, that a fair and impartial trial cannot be had in such county, in which case the court before whom the cause is pending, if the offence charged in the indictment, be punishable with death or imprisonment in the territorial prison, may direct the person accused, to be tried in some adjoining county, where a fair and impartial trial can be had; but the party accused shall be entitled to a change of venue, but once, and no more.

Proceedings when venue is changed.

SEC. 139. When the venue is changed to an adjoining county, in a criminal case, the trial shall be conducted in all respects as if the indictment had been found in the county to which the venue is changed; and