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THE
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OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

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the costs accruing from a change of venue shall be paid by the county in which the offence was committed.

SEC. 140. When the court has ordered a change of venue, they shall require the accused, if the offence be bailable, to enter into a recognizance with good and sufficient sureties, to be approved by the court or judge, in such sum as the court or judge may direct, conditioned for his appearance in the court to which the venue is changed, at the first day of the next term thereof, and to abide the order of such court; and in default of such recognizance, a warrant shall be issued, directed to the sheriff, commanding him safely to convey the prisoner to the jail of the county where he or she is to be tried, there to be safely kept by the jailor thereof until discharged by due course of law.

When venue is changed, defendant must recognize to appear.

SEC. 141. When a change of venue is allowed, the court shall recognize the witnesses on the part of the United States, to appear before the court in which the prisoner is to be tried.

When venue is changed witnesses must recognize to appear.

SEC. 142. The attorney on behalf of the United States, may also apply for a change of venue, and the court being satisfied that it will promote the ends of justice, may award a change of venue upon the same terms, and to the same extent, that are provided in this chapter, and the proceedings on such change of venue, shall be in all respects as above provided.

District attorney may apply for change of venue.

CHAPTER 125.

THE MODE OF TRIAL—ISSUES.

SECTION

143. Issues of fact defined.

144. Issues of fact how tried.

SECTION

145. When defendant be present on the trial.

SEC. 143. An issue of fact arises :

1. Upon a plea of not guilty; or
2. Upon a plea of a former conviction or acquittal of the same offence.

Issues of fact defined.

SEC. 144. An issue of fact must be tried by a jury of the county in which the indictment was found, unless the action be removed, by order of the court, as provided in the preceding chapter.

Issues of fact how tried.

SEC. 145. If the indictment be for a misdemeanor, the trial may be had in the absence of the defendant, if he appear by counsel; but if for a felony he must be personally present.

When defendant be present on the trial.