

21079
65

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.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

29

D

9 prices thereof set forth in the account hereto annexed, are
 10 just and reasonable, and the same is unpaid; that said la-
 11 bor was performed, and material (or say machinery) was
 12 furnished for said C. D. at the time in said account men-
 13 tioned under and by virtue of a contract between affiant and
 14 C. D., (if the contract was in writing, add, above copy of
 15 which is hereto annexed, marked A.) and for (construct-
 16 ing, or say altering, or say repairing a certain boat called,
 17 and so forth,) giving a description of the water craft; (or
 18 say erecting, or say repairing a certain house, or say mill,
 19 giving the common name of the building; or say a certain
 20 piece of land, giving location, etc.; or say lot of timber, or
 21 logs, or lumber, etc.)

22 And affiant further makes oath and says: That the said
 23 C. D. was, at the time said contract was entered into and
 24 said labor was performed, and said materials (or say ma-
 25 chinery) was furnished, the owner of house, (or say mill,
 26 or say said manufactory, naming the kind of building,) and
 27 that said building is situate upon a certain lot of land own-
 28 ed by said C. D., in town, section, range
 29, in said county, and this affiant claims a lien on
 30 the premises.

31 (Signed,) A. B.
 32 Sworn and subscribed before me this day of
 33 A. D. 18
 34 H— G—, J. P.

CHAPTER XCI.

CRIMES AND PUNISHMENTS, PRINCIPALS AND AC-
 CESSORIES.

1 SECTION 1. Crimes and public offenses are divided into:
 2 *First.*—Felonies; and
 3 *Second.*—Misdemeanors.

C. S. p. 700, Sect. 2.
 Amended.

c 87

1 SECT. 2. A felony is a public offense punishable with
 2 death, or which is, or in the discretion of the court may be,
 3 punishable by imprisonment in the state prison. Every
 4 other public offense is a misdemeanor.

C. S. p. 700, Sects. 3
 & 4, combined.

1 SECT. 3. Whoever aids in the commission of any offense
 2 which is a felony, or who is accessory thereto before the
 3 fact, by counselling, hiring, or otherwise procuring such
 4 felony to be committed, shall be punished in the same man-

C. S. p. 733, Sect. 1.

c 98

5 ner as is prescribed for the punishment of the principal
6 felon.

c 98

C. S. p. 733, Sects. 2
& 3, combined &
amended.

1 SECT. 4. Whoever counsels, hires or otherwise procures
2 the commission of any felony may be indicted, tried and
3 punished in the same court and in the same county where
4 the principal felon might be indicted and tried, although the
5 principal felon is neither indicted or tried, and although the
6 offense of counselling, hiring, abetting, or procuring the
7 commission of such felony, was committed elsewhere, either
8 within or without the limits of this state.

C. S. p. 734, Sect. 4.

1 SECT. 5. Whoever, after the commission of any felony,
2 notwithstanding in the relation of husband or wife, parent or child,
3 by consanguinity or affinity to the offender, harbors, con-
4 ceals, maintains, or assists the principal felon or accessory
5 before the fact, or gives such offender any other aid, know-
6 ing that he has committed a felony, or has been accessory
7 thereto before the fact, with intent that he shall avoid or
8 escape from detection, arrest, trial, or punishment, shall be
9 deemed an accessory after the fact, and be punished by im-
10 prisonment in the county jail, not more than one year, or
11 by fine not exceeding two hundred dollars, or both.

C. S. p. 734, Sect. 5.
Amended.

1 SECT. 6. Whoever becomes an accessory after the fact
2 to a felony, may be indicted, convicted, and punished,
3 whether the principal felon has, or has not been convicted
4 previously, or is or is not amenable to justice by any court
5 having jurisdiction to try the principal felon, either in the
6 county where such person became an accessory, or in the
7 county where such principal felony was committed.

C. S. p. 735, Sect. 16.

1 SECT. 7. Whoever attempts to commit an offense pro-
2 hibited by law, and in such attempt does any act towards
3 the commission of such offense, but fails in the perpetration
4 or is prevented or intercepted in executing the same, where
5 no provision is made by law for the punishment of such at-
6 tempt, shall be punished as follows:

7 *First.*—If the offense attempted to be committed, is pun-
8 ishable with death the person convicted of such attempt
9 shall be punished by imprisonment in the state prison not
10 exceeding ten years.

11 *Second.*—If the offense so attempted, is punishable by
12 imprisonment in the state prison for four years or more, or
13 by imprisonment in a county jail, the person convicted of
14 such attempt shall be punished by imprisonment in the
15 state prison, or in a county jail, for a term not exceeding
16 one half the longest term of imprisonment prescribed, upon
17 a conviction for the offense so attempted.

18 *Third.*—If the offense so attempted is punishable by im-

19 imprisonment in a state prison for any term less than four
20 years, the person convicted of such attempt shall be punish-
21 ed by imprisonment in a county jail, not more than one
22 year.

23 *Fourth.*—If the offense so attempted is punishable by
24 fine, the offender convicted of such attempt, shall be liable
25 to a fine not exceeding one half of the largest amount which
26 may be imposed upon a conviction for the offense so at-
27 tempted.

28 *Fifth.*—If the offense so attempted is punishable by im-
29 prisonment and by fine, the offender convicted of such attempt
30 may be punished by both imprisonment and fine not exceed-
31 ing one half of the longest time of imprisonment, and one
32 half of the greatest fine, which may be imposed upon a con-
33 viction for the offense so attempted.

1 SECT. 8. Where any duty is enjoined by law, upon any
2 public officer, or upon any person holding any public trust
3 or employment, every wilful neglect to perform such duty,
4 and every misbehavior in office where no special provision
5 is made for the punishment of such delinquency or malfeas-
6 ance, is a misdemeanor punishable by fine and imprison-
7 ment. C. S. p. 733, Sect. 15. c 78

1 SECT. 9. Upon an indictment against several defend-
2 ants, any one or more may be convicted or acquitted. C. S. p. 761, Sect. 20. c 105

1 SECT. 10. The distinction between an accessory before
2 the fact and a principal, and between principals in the first
3 and second degree, in cases of felony, is abrogated; and all
4 persons concerned in the commission of a felony, whether they
5 directly commit the act constituting the offense, or aid and
6 abet in its commission, though not present, shall be indict-
7 ed, tried and punished, as principals. C. S. p. 761, Sect. 21.

1 SECT. 11. Whenever any person indicted for a felony
2 is acquitted, by verdict, of part of the offense charged in
3 the indictment, and convicted of the residue thereof, such
4 verdict may be received and recorded by the court, and
5 thereupon the person charged, shall be adjudged guilty of
6 the offense, if any, which appears to the court to be sub-
7 stantially charged by the residue of such indictment, and
8 shall be sentenced and punished accordingly. C. S. p. 776, Sect. 43. c 114

1 SECT. 12. In all cases of indictment in the district
2 court, for an assault with intent to commit any felony, the
3 jury, in case they do not find the felonious intent charged,
4 may convict of the assault; and the court shall sentence the
5 person so convicted, to be punished by imprisonment in the
6 jail of the county, for a term not exceeding one year, or by
7 fine not exceeding five hundred dollars. C. S. p. 776, Sect. 44.

c 98

C. S. p. 736, Sect. 17.

1 SECT. 13. If any person convicted of any offense pun-
 2 ishable by fine or imprisonment, or both, is discharged on
 3 payment of such fine, or expiration of such imprisonment,
 4 or both; or on being pardoned, and is subsequently con-
 5 victed of a like offense; or if the first offense was a felony,
 6 is subsequently convicted of any other felony, such person
 7 may for such second or subsequent offense, be punished by
 8 fine or imprisonment, or both, not exceeding double the
 9 amount, or extent of that which might have been inflicted
 10 or imposed for the first offense.

CHAPTER XCII.

OF THE RIGHTS OF PERSONS ACCUSED.

New.

1 SECTION 1. Every person arrested by virtue of process,
 2 or taken into custody by an officer of this state, has a right
 3 to know from the officer who arrests or claims to detain
 4 him, the true ground on which the arrest is made; and an
 5 officer who refuses to answer a question relative to the rea-
 6 son for such arrest, or answers such question untruly, or
 7 assigns to the person arrested an untrue reason for the ar-
 8 rest, or neglects, on request, to exhibit to the person ar-
 9 rested or any other person acting in his behalf, the precept
 10 by virtue of which, such arrest is made, shall be punished
 11 by fine not exceeding one thousand dollars, or by imprison-
 12 in the common jail not exceeding one year.

c 118

C. S. p. 782, Sect. 1.

1 SECT. 2. A defendant in a criminal action, is presumed
 2 to be innocent, until the contrary is proved; and in case of
 3 a reasonable doubt whether his guilt is satisfactorily shown,
 4 he is entitled to an acquittal.

C. S. p. 782, Sect. 2.

1 SECT. 3. When it appears that a defendant has com-
 2 mitted a public offense, and there is reasonable ground of
 3 doubt, of which of two or more degrees he is guilty, he can
 4 be convicted of the lowest of these degrees only.

c 88

C. S. p. 701, Sect. 3.

1 SECT. 4. No person indicted for an offense shall be con-
 2 victed thereof, unless by confession of his guilt in open
 3 court, or by admitting the truth of the charge against him
 4 by his plea or demurrer, or by the verdict of a jury accept-
 5 ed and recorded by the court.

C. S. p. 701, Sect. 4.

1 SECT. 5. No person shall be held to answer on a second
 2 indictment for an offense of which he has been acquitted by