

## CHAPTER XLIX.

## AN ACT FOR THE PROTECTION OF PROPERTY AGAINST ARSON.

*Be it enacted by the Legislature of the State of Minnesota:*

Who deemed  
guilty of arson.

SECTION 1. Whoever, within twenty-four hours prior or during the burning of a building or other property, wilfully and maliciously cuts or removes any bell rope or telegraph wire in the vicinity of such building or property, or otherwise prevents an alarm being given, or cuts, injures or destroys an engine or hose, or other fire apparatus, in said vicinity, or otherwise wilfully and maliciously prevents or obstructs the extinguishing of any fire, shall be deemed guilty of the burning as accessory after the fact, and be punished by imprisonment in the state prison not exceeding seven years, or in jail not exceeding three years, or by fine not exceeding one thousand dollars.

Penalty for steal-  
ing in conse-  
quence of fire.

SEC. 2. Whoever steals in a building that is on fire, or steals any property removed in consequence of an alarm caused by a fire, shall be punished, if the value of the property exceeds the sum of one hundred dollars, by imprisonment in the state prison not exceeding five years, or fine not exceeding five hundred dollars; where the value of such property is one hundred dollars or less, by imprisonment in the county jail not exceeding two years, or by fine not exceeding two hundred dollars.

Investigation to  
be had in case of  
supposed incen-  
diarism.

SEC. 3. When property is destroyed by fire, and a complaint within thirty days thereafter is subscribed and sworn to by any person before any justice, [police] court, or any municipal court, or any justice of the peace, alleging that reasonable grounds exist for believing that the fire was caused by design, and the mayor and chief engineer of fire department, or a majority of the aldermen or selectmen of the city or town, respectively, in which said property is situated, certify in writing that in their opinion the same is a proper case for investigation, such court or justice shall forthwith issue a warrant to the constable of the place where the property was destroyed,

requiring him forthwith to summon six good and lawful men of the county to appear before the court or justice at a time and place expressed in the warrant, to inquire when and by what means the fire originated, which warrant shall be served and returned in the manner prescribed by the general statutes of the state of Minnesota for the service and return of other warrants; and the constable and jurors shall be subject to the penalties therein specified for similar neglect. If any person so summoned does not appear, the constable shall, by order of the justice or court, return some person from the bystanders to complete the number.

SEC. 4. The justice or court shall, in view of the spot on which the property was destroyed, administer to the persons thus summoned or returned the following oath: You solemnly swear that you will diligently inquire and true presentment make in behalf of the state of Minnesota, when and by what means the fire which has here occurred was caused, and that you will return a true inquest according to your knowledge and such evidence as shall be laid before you. So help you God.

Oath to be administered to jury.

SEC. 5. The justice or court may issue subpoenas for witnesses, returnable forthwith at a time and place therein set forth. Their attendance may be enforced in like manner as if they had been subpoenaed in behalf of the state of Minnesota.

May issue subpoenas.

SEC. 6. An oath to the following effect shall be administered to such witnesses: You solemnly swear that the evidence which you shall give to the inquest concerning the origin of the fire of which inquiry is now to be made, shall be the truth, the whole truth, and nothing but the truth. So help you God.

Oath to be administered to witness.

SEC. 7. The testimony shall be reduced to writing by the presiding justice, or some person, by his direction, and subscribed by the witnesses.

Relative to testimony.

SEC. 8. The jury, after hearing the testimony and making all needful inquiry, shall draw up and deliver to the justice or court their inquisition under their hands, in which they shall find and certify when and by what means the fire was caused, and said inquisition and testimony thus subscribed shall, within one week thereafter, be filed by the magistrate with the clerk of the district court for the county.

To file certificate showing cause of fire.

SEC. 9. If any person is charged by the inquest with having wilfully and maliciously caused said fire, and such

When justice to  
cause arrest.

person is not in custody, the justice or court before whom such inquisition is holden shall issue process forthwith for his apprehension, and such warrant shall be made returnable before [any] justice or court having jurisdiction of the case, who shall proceed therein in the same manner as required by justice or court in case of felony.

Fees.

SEC. 10. The fees of the magistrate and the expenses of the inquisition shall be the same as required for coroner's inquests.

When act to take  
effect.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 9, 1874.

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## CHAPTER L.

### AN ACT FOR THE PROTECTION OF SUB-CONTRACTORS AND MATERIAL MEN.

*Be it enacted by the Legislature of the State of Minnesota:*

Liabilities of  
contractors to  
sub-contractors.

SECTION 1. Any person or persons entering into any contract for the construction or repairing of any house or other building, steamboat or vessel, or any railroad contract, or for furnishing materials for such construction or repairing, and who shall sublet such contract or any part thereof to any person or persons to perform such labor or furnishing such material, shall be held liable to pay all moneys received by him upon said contract to the person or persons who performed such work and labor, or furnished such materials, or so much thereof as may be sufficient to pay them what is justly due for the work and labor performed and materials furnished by them, and any such person who shall neglect and refuse to pay over such money so received by him upon said contract to the person or persons who have performed the work and labor and furnished the materials as aforesaid, with intent to cheat and defraud the said person or persons, shall be deemed to have been guilty of fraud in contracting the said debt. And whenever it shall be made to appear to any court of competent jurisdiction that such