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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

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CHAPTER 100.

DEMANDING FUGITIVES FROM JUSTICE, ETC.

<p>SECTION</p> <p>1. Governor may appoint agents to demand fugitives from justice, &c.</p> <p>2. Proceedings on demand of executive of other states, &c., for fugitives from justice.</p> <p>3. When and how magistrate to issue warrant and what to contain.</p>	<p>SECTION</p> <p>4. When person charged to give cognizance; when to be committed; forfeiture of recognizance.</p> <p>5. When discharged; may be delivered on warrant of executive, &c.</p> <p>6. Complainant liable for costs, &c.</p>
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[Chapter 111, Revised Statutes.]

Governor may appoint agents to demand fugitives from justice, &c.

(1.) SEC. I. The governor of this territory may, in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any state or territory, any fugitive from justice, or any person charged with felony or any other crime, in this territory, and whenever an application shall be made to the governor for that purpose, the district attorney, or any other prosecuting officer of the territory, when required by the governor, shall forthwith investigate the grounds of such application, and report to the governor all material circumstances which may come to his knowledge, with an abstract of the evidence, and his opinion as to the expediency of the demand; but the governor may, in any case, appoint such agents without requiring the opinion of, or any report from the district attorney; and the accounts of the agents, appointed for such purpose, shall in all cases be audited by the governor and paid from the territorial treasury.

Proceedings on demand of executive of other states, &c., for fugitives from justice.

(2.) SEC. II. When a demand shall be made upon the governor of this territory, by the executive of any state or territory, in any case authorized by the constitution and laws of the United States, for the delivery over of any person charged in such state or territory, with treason, felony, or any other crime, the district attorney, or any other prosecuting officer of the territory, when required by the governor, shall forthwith investigate the ground of such demand, and report to the governor all material facts which may come to his knowledge, as to the situation and circumstances of the person so demanded, especially whether he is held in custody, or is under recognizance to answer for any offense against the laws of this territory, or of the United States, or by force of any civil process, and also whether such demand is made according to law, so that such person ought to be delivered up; and if the governor is satisfied that such demand is conformable to law, and ought to be complied with, he shall issue his warrant, under the seal of the territory, authorizing the agents who make such demand, either forthwith, or at such time as shall be designated by the warrant, to take and transport such person to the line of the territory, at the expense of such agents, and shall also, by such warrant, require the civil officers within this territory, to afford all needful assistance in the execution thereof.

When and how magistrate to issue warrant and what to contain.

(3.) SEC. III. Whenever any person shall be found within this territory, charged with any offense committed in any state or territory, and liable by the constitution and laws of the United States, to be delivered over upon the demand of the executive of such state or territory, any court or magistrate authorized to issue warrants in criminal cases, may,

upon complaint under oath, setting forth the offense and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the same, or some other court or magistrate within the territory, to answer such complaint as in other cases.

(4.) SEC. IV. If, upon examination of the person charged, it shall appear to the court or magistrate that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the governor, he shall, if not charged with a capital crime, be required to recognize with sufficient sureties, in a reasonable sum, to appear before such court or magistrate at a future day, allowing a reasonable time to obtain the warrant of the executive, and to abide the order of the court or magistrate; and if such person shall not so recognize, he shall be committed to prison, and be there detained until such day, in like manner as if the offense charged had been committed within this territory; and if the person so recognizing shall fail to appear according to the condition of his recognizance, he shall be defaulted, and the like proceedings shall be had as in the case of other recognizances entered into before such court or magistrate; but if such person be charged with a capital crime, he shall be committed to prison, and there detained until the day so appointed for his appearance before the court or magistrate.

When person charged to give recognizance

When to be committed.

Forfeiture of recognizance.

(5.) SEC. V. If the person so recognized or committed shall appear before the court or magistrate upon the day ordered, he shall be discharged unless he be demanded by some person authorized by the warrant of the executive to receive him, or unless the court or magistrate shall see cause to commit him, or to require him to recognize anew, for his appearance at some other day, and if, when ordered, he shall not so recognize, he shall be committed and detained as before provided; whether the person so discharged shall be recognized, committed, or discharged, any person authorized by the warrant of the executive, may at all times, take him into custody, and the same shall be a discharge of the recognizance, if any, and shall not be deemed an escape.

When discharged.

May be delivered on warrant of executive, &c.

(6.) SEC. VI. The complainant in such case shall be answerable for the actual costs and charges, and for the support in prison, of any person so committed, and shall advance to the jailor one week's board, at the time of commitment, and so from week to week, so long as such person shall remain in jail, and if he fail so to do, the jailor may forthwith discharge such person from his custody.

Complainant liable for costs, &c.