

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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Arrest defined. SECTION 1. Arrest is the taking of a person into custody, that he may be held to answer for a public offense.

By whom made. SEC. 2. An arrest may be either:
First. By a peace officer under a warrant;
Second. By a peace officer without a warrant;
Third. By a private person.

Who must aid officer. SEC. 3. Every person must aid an officer in the execution of a warrant, if the officer requires his aid, and is present and acting in its execution.

When arrest may be made. SEC. 4. If the offense charged is a felony, the arrest may be made on any day and at any time of the day or night; if it is a misdemeanor, the arrest cannot be made on Sunday or at night, unless upon the direction of the magistrate indorsed upon the warrant.

Arrest, how made. SEC. 5. An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer.

Unnecessary restraint forbidden. SEC. 6. The defendant shall not be subjected to any more restraint than is necessary for his arrest and detention.

Officer shall disclose his authority. SEC. 7. The officer shall inform the defendant that he acts under the authority of the warrant, and show the warrant if required.

May use necessary means to effect arrest. SEC. 8. If, after notice of intention to arrest the defendant, he either flees, or forcibly resists, the officer may use all necessary means to effect the arrest.

May break open door or window, when. SEC. 9. The officer may break open an inner or outer door, or window of a dwelling house, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

May break open door or window to liberate himself or another. SEC. 10. An officer may break open an inner or outer door, or window of a dwelling house when necessary for his own liberation or for the purpose of liberating a person who, having entered to make an arrest, is detained therein.

ARREST BY AN OFFICER WITHOUT A WARRANT.

When arrest may be made without warrant. SEC. 11. A peace officer may, without a warrant, arrest a person:
First. For a public offense committed or attempted in his presence;
Second. When a person arrested has committed a felony, although not in his presence;
Third. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;

Fourth. On a charge made upon reasonable cause of the commission of a felony by the party arrested.

SEC. 12. To make an arrest as provided in the last section, the officer may break open an outer or inner door or window of a dwelling house, if, after notice of his office and purpose, he is refused admittance. Officer without warrant may break open door or window, when.

SEC. 13. He may also at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest, though it afterwards appears that a felony has not been committed. May arrest at night on reasonable cause.

SEC. 14. When arresting a person without a warrant, the officer shall inform him of his authority, and the cause of the arrest, except when he is in the actual commission of a public offense, or is pursued immediately after an escape. Shall disclose authority and cause of arrest, when.

SEC. 15. He may take before a magistrate, a person who being engaged in a breach of the peace, is arrested by a bystander and delivered to him. May take before a magistrate a party arrested by a private person.

SEC. 16. When a public offense is committed in the presence of a magistrate, he may, by a verbal or written order, command any person to arrest the offender, and may thereupon proceed as if the offender had been brought before him on a warrant of arrest. Magistrate may command any person to make arrest, when.

ARREST BY A PRIVATE PERSON.

SEC. 17. A private person may arrest another : Private person may make arrest, when.

First. For a public offense committed or attempted in his presence ;

Second. When a person arrested has committed a felony, although not in his presence ;

Third. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

SEC. 18. He shall, before making the arrest, inform the person to be arrested, of the cause thereof, and require him to submit, except when he is in the actual commission of the offense, or when he is arrested on pursuit immediately after its commission. Shall disclose cause of arrest and require submission.

SEC. 19. If the person to be arrested had committed a felony, and a private person, after notice of his intention to make the arrest, is refused admittance, he may break open an outer or inner door or window of a dwelling house, for the purpose of making the same. May break open door or window, when.

SEC. 20. A private person who has arrested another for the commission of a public offense, shall, without unnecessary delay, take him before a magistrate, or deliver him to a peace officer. Magistrate party arrested to magistrate or officer.

SEC. 21. If a person arrested, escapes or is rescued, the person, from whose custody he has escaped or was rescued, may immediately pursue and retake him, at any time and in any place in the state. Person under arrest, escaping, may be retaken.

SEC. 22. To retake the person escaping or rescued, the person pursuing may, after notice of his intention, and refusal of admittance, break open an outer or inner door or window of a dwelling house. Pursuer may break open door or window, when.