

# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

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COMPLETE IN TWO VOLUMES.

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VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

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VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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ST. PAUL:  
WEST PUBLISHING CO.  
1888.

meanor, and, upon conviction before any justice of the peace of any such offense, shall be punished by a fine of not more than one hundred dollars or less than twenty-five dollars, or be imprisoned in the county jail not more than ninety days or less than ten days. (1868, c. 59, § 1, *as amended* 1879, c. 46, § 1.)

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## CHAPTER 102.

### SEARCH-WARRANTS.

#### § 1. Complaint—Warrant.

A complaint and warrant described the premises to be searched as "a certain building, the cellar under the same, and the out-buildings within the curtilage thereof situated," etc. Property was taken from the basement of a building situated on an adjoining lot, separated by a fence, but connected by a covered passage-way. Held, that the description did not cover such building, and the seizure was unlawful. *Commonwealth v. Intoxicating Liquors, etc.*, (Mass.) 3 N. E. Rep. 4; and see *Wright v. Dressel*, Id. 6. See *Jordan v. Henry*, 22 Minn. 245.

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## CHAPTER 103.

### DEMANDING FUGITIVES FROM JUSTICE.

#### § 1. Agents to demand fugitives—Investigations.

"Fugitive from justice," see *State v. Richter*, (Minn.) 35 N. W. Rep. 9.

To be a fugitive from justice it is not necessary that the party should have left the state after indictment, or to avoid prosecution. *Roberts v. Reilly*, 6 Sup. Ct. Rep. 291; *Ex parte Brown*, 28 Fed. Rep. 653.

One who goes into another state, and commits a crime there, and then returns to his own state, is a fugitive from justice. In re *Roberts*, 24 Fed. Rep. 133.

The warrant for the arrest and return must bear upon its face the evidence that it was duly issued, and must set forth the indictment or affidavit upon which it is founded. In re *Doo Woon*, 18 Fed. Rep. 898.

Use of stratagem in procuring the arrest. *Ex parte Brown*, 28 Fed. Rep. 653.

One extradited for seduction cannot be arrested for bastardy. In re *Cannon*, (Mich.) 11 N. W. Rep. 280. See, as to arrest of extradited person for a different offense, *State v. Stewart*, (Wis.) 19 N. W. Rep. 429.

See *Hackney v. Welsh*, (Ind.) 8 N. E. Rep. 141; *Ex parte Morgan*, 20 Fed. Rep. 298.

#### § 2. Demand from another state—Proceedings—Warrant of extradition.

When a demand is made upon the governor 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 attorney general, when required by the governor, shall forthwith investigate the ground of such demand, or cause the same to be investigated by any county attorney, 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

Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five dollars, nor more than one hundred dollars. (*Id.* § 2.)

**§ 3. (Sec. 2.) Adulteration of food, etc.—Penalty.**

Whoever fraudulently adulterates, for the purpose of sale, or knowingly sells or offers for sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, with any substance injurious to health, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding two hundred dollars. (*As amended* 1881, c. 19, § 1.)

[See *post*, Penal Code, tit. 12.]

**\*§ 3a. Manufactured honey to be labeled, etc.**

It shall be unlawful for any person or persons, within the state of Minnesota, to offer for sale, sell, or cause to be sold, any compounded or manufactured honey, unless the same is so marked, represented, and designated as such, and bearing a label upon each package either printed or written thereon the name of the person or persons having compounded or manufactured the same. (1879, c. 87, § 1.\*)

**\*§ 3b. Same—Violation—Penalty.**

Any person violating the provisions of section one (\*§ 3a) of this act shall, for the first offense, be fined in any sum not less than ten, nor more than one hundred, dollars, and for each repeated offense shall be fined not less than fifty, nor more than two hundred and fifty, dollars, or be imprisoned in the county jail for a period not exceeding six months, or both, at the discretion of the court. (*Id.* § 2.)

**\*§ 3c. Fumigating grain, etc., to change color.**

No person shall subject, or procure to be subjected, any barley or other grain, to fumigation by sulphur or other material, or to any other chemical process affecting the color of such barley or grain. (1879, c. 73, § 1.†)

**\*§ 3d. Same—Sale prohibited.**

No person shall sell or offer for sale any barley or other grain which shall have been subjected to fumigation or other process mentioned in the last section, knowing the same to have been so subjected. (*Id.* § 2.)

**\*§ 3e. Same—Penalty.**

Any person violating the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year in the state prison, or both such fine and imprisonment, and shall be liable to treble the damages sustained by any person injured by such violation. (*Id.* § 3.)

**\*§ 13. Permitting glandered animal to run at large—Penalty.**

Any person being the owner of any horse or other animal, or having the same in his care or under his control, having the disease known as the glanders, who shall knowingly permit such animal to run at large, or be driven upon any of the highways of this state, or who shall sell or in any manner dispose of the same to any other person, or any hotel-keeper or keeper of any public barn, who shall knowingly permit any horse or other animal having such disease to be stabled in such public barn, shall be guilty of a misde-

\*"An act to prevent the sale of adulterated honey." Approved March 10, 1879.

†"An act to prevent fraud by coloring grain." Approved March 6, 1879.

the laws of the state or of the United States, and also whether such demand is made according to law, so that such person ought to be delivered up; and if the governor is notified that such demand is conformable to law, and ought to be complied with, he shall issue his warrant, under the seal of the state, authorizing such person as he shall name therein, either forthwith or at the time designated by the warrant, to take and transport the person so demanded to the line of the state, at the expense of the state or territory in whose name such person may have been demanded, and to deliver over such person, at the line of the state, to the agent of the state or territory making such demand; and shall also, by such warrant, require the civil officers within this state to afford all needful assistance in the execution thereof: *provided, however*, that the governor, when issuing his warrant, shall deliver the same to the sheriff or some other public officer of any county in this state, and such officer, upon receipt of such warrant, shall have power to arrest and detain in his custody the person whose surrender is demanded; but no such person arrested upon such warrant shall be delivered to the agent designated therein, or to any other person, until the person so arrested, and whose surrender is demanded, shall be notified of the demand made for his surrender, and of the nature of the criminal charge made against him, and not until he has had an opportunity to apply for a writ of *habeas corpus*, if he claims such right, of the officer making the arrest. When such writ is applied for, notice thereof and of the time and place of the hearing thereon shall be given to the attorney general or other prosecuting officer of the judicial district in which the arrest is made. Any sheriff or other officer making such arrest, who shall deliver over to the agent named in such warrant, or to any other person, for extradition, the person so in his custody under such warrant, without having complied with the provisions of this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the common jail of the county not exceeding six months, or be subject to both fine and imprisonment, at the discretion of the court. (*As amended 1874, c. 15, § 1; 1879, c. 44, § 1.*)

See, as to sufficiency of the papers, *State v. O'Connor*, 36 N. W. Rep. 462.

See *State v. Richardson*, 34 Minn. 115, 24 N. W. Rep. 354; *Hackney v. Welsh*, (Ind.) 8 N. E. Rep. 141; *In re Herres*, 33 Fed. Rep. 165.

### § 3. Arrest of fugitive from another state.

Where a peace-officer, without warrant, arrested a person on suspicion of having committed a crime in another state, detained him five days without taking him before a magistrate, there being nothing to prevent his doing so immediately, and then released him from custody, the detention was, as a matter of law, for an unreasonable time. *Cochran v. Toher*, 14 Minn. 385, (Gil. 293.)

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## CHAPTER 105.

### ARRESTS.

#### § 11. Arrest by officer without warrant—When allowed.

Subd. 1. To authorize an arrest by a peace-officer without a warrant, for an offense not a felony, under this subdivision, it must be made at the time; that is, the officer must at once set about the arrest, and follow up the effort till it is made. Five hours having intervened during which the officer was not about anything connected with the arrest, the authority to arrest ceased. *Wahl v. Walton*, 30 Minn. 506, 16 N. W. Rep. 397.

See *State v. Cantieny*, 34 Minn. 1, 8, 24 N. W. Rep. 458; *Warner v. Grace*, 14 Minn. 487, (Gil. 364, 367.)