

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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shall be found to have been convicted of a felony within ten years next preceding their arrest. Upon the determination of all pending criminal actions or proceedings in favor of the arrested person, he shall, upon demand, have all such finger and thumb prints, bertillon measurements, photographs, and

other identification data, and all copies and duplicates thereof, returned to him, provided it is not established that he has been convicted of any felony either within or without the state within the period of ten years immediately preceding such determination. (As amended Feb. 28, 1929, c. 46, §7.)

CHAPTER 94

Rights of Accused

§9953. Conviction—When had.

A "confession in open court" is a formal admission that the specific crime or one included within the indictment was committed. *State v. C.*, 233NW590. See *Dun. Dig.* 2462.

§9954. Dismissal, when.

"Good cause" means a substantial reason, one that affords a legal excuse. 173M153, 216NW787.

Defendant's silence, in the face of numerous continuances and long delay, waives right to a speedy trial 173M153, 216NW787.

CHAPTER 96

Crimes Against Public Justice

BRIBERY AND CORRUPTION

§9982. Bribery of public officer or legislator.

This section is constitutional. 176M308, 223NW144.

Variance between allegations and proof; admissibility of evidence. 180M450, 231NW225.

§9983. Asking or receiving bribes.

2. Indictment.

Indictment charging that defendant did "ask, agree to receive, and receive" a bribe, was not duplicitous or repugnant, and state need not elect. 178M437, 227NW497.

Proof of acceptance of credit on price of automobile not fatal variance from allegation of acceptance of money. 178M437, 227NW497.

Admissibility of evidence, and variance between allegations and proof. 180M450, 231NW225.

RESCUES AND ESCAPES

§10005. Taking property from office.

Owner of growing crops levied on by officer violates this section by feeding the crops to his live stock. *Op. Atty. Gen.*, Mar. 9, 1929.

PERJURY AND OTHER CRIMES

§10016. Perjury defined.

1. What constitutes.

No conviction for perjury for untrue answers to questions after plea of guilty. 171M246, 213NW900.

§10018. Knowledge of materiality not necessary.

No conviction for perjury for untrue answers to questions after plea of guilty. 171M246, 213NW900.

§10030. Arrest without authority.

Railroad held liable for unlawful arrest by special agent at depot. 176M203, 223NW94.

§10034. Compounding crimes.

Complaint held not bad for duplicity, and evidence held to support conviction. 181M106, 231NW804.

§10044. Misconduct by attorneys.

This section trebles damages in actions there-in referred to, but does not create any new cause of action. 181M322, 232NW515. See *Dun. Dig.* 674.

§10052. Other false certificates.

Civil liability for false certificate as to tax liens. 181M334, 232NW339; See *Dun. Dig.* 2314a.

CHAPTER 97

Crimes Against the Person

HOMICIDE

§10065. Defined and classified.

Evidence that defendant was the possessor of a weapon of the kind with which a homicide was committed is not rendered incompetent by reason of the fact that it tends incidentally to prove the commission of other and unrelated offenses. 172M106, 214NW782.

State's rebuttal evidence was admissible. 172M106, 214NW782.

§10067. Murder in first degree.

8. Evidence.

No reversible error found in reception of evidence of conversation between killer and defendant after arrest. 176M562, 223NW917.

Finding that defendant, with knowledge of killer's intent to kill, encouraged and abetted him, held justified by the evidence. 176M562, 223NW917.

Dying declarations, *res gestæ*, and sufficiency to support conviction. 180M221, 230NW639.