

130278

# 1941 Supplement

To

# Mason's Minnesota Statutes

1927

1939 to 1941

(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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## Part IV. Crimes, Criminal Procedure, Imprisonment and Prisons

### CHAPTER 93

#### General Provisions

##### 9906. Crimes defined and classified.

1. Definition of "crime", "offense", "misdemeanor".  
Minnesota v. Probate Court, 309US270, 60SCR523, aff'g 205Minn545, 287NW297.

Violations of Uniform Traffic Act are crimes, including aiding and abetting. Op. Atty. Gen., (605B), Mar. 3, 1941.

##### 9914. Intoxication or criminal propensity no defense.

###### 1. Intoxication.

In prosecution for assault in second degree, reading of this section to jury did not constitute prejudicial error, though court read caption "Intoxication or criminal propensity no defense". State v. Dimler, 287NW785. See Dun. Dig. 2479.

##### 9915. Criminal responsibility of insane persons.

District court may commit a defendant to any state hospital, and may commit him to hospital for dangerous insane, even without a finding that he has homicidal tendencies. Op. Atty. Gen., (248B-3), March 13, 1940.

##### 9917. Principal defined.

One having knowledge that others intended to commit larceny was guilty of that offense himself where he assisted them, though only out of curiosity. State v. Eggermont, 288NW390. See Dun. Dig. 2415.

An accountant in finance division of highway department was an accomplice as a matter of law in false auditing and payment of claims on state where he assisted in having claims approved with full knowledge that they were irregular. State v. Elsberg, 295NW913. See Dun. Dig. 2415.

Prosecution of passenger in automobile operated by another without plates. Op. Atty. Gen. (494B-5), June 20, 1940.

##### 9918. Accessory defined.

Evidence held sufficient to sustain charge that defendant became an accessory after the fact by secreting stolen money in golf bag at his living quarters, thus intending to suppress evidence of the crime. Neal v. U. S., (CCA8), 114F(2d)1000, aff'g 102F(2d)643. Cert. den. 61SCR448.

##### 9930. Attempts—How punished.

###### (2).

This statute does not refer to cutting minimum term in half, and to so construe it would be adding language to statute that legislature had failed to do, but question of minimum sentence is of no importance in view of indeterminate sentence law, under which minimum sentence still remains at nothing. Op. Atty. Gen. (341k-5), July 10, 1940.

##### 9931-3. Same—Information, etc.

Practical and legal effect of sentence under this section following a second conviction for crime doubles term of previous sentence. Op. Atty. Gen., (341i), Sept. 22, 1939.

##### 9940. Restoration to civil rights.

A commutation of sentence to a term of 4½ months, with reservation of right to revoke commutation for misconduct, does not restore civil rights. Op. Atty. Gen. (68h), Sept. 13, 1940.

### CHAPTER 93A

#### Prevention and Control of Crime—Bureau of Criminal Apprehension

##### 9950-6. Superintendent—Appointment, terms of office, removal, etc.

Apparently stolen property coming into hands of bureau of criminal apprehension and unclaimed should be turned over to sheriff of county where taken, to be disposed of as unidentified stolen property. Op. Atty. Gen., (985), Jan. 15, 1940.

It is improper for superintendent to give courtesy badges to personal friends. Op. Atty. Gen., (985h), Feb. 2, 1940.

9950-26. Abandoned or stolen property—Return to owner or sheriff.—That the Bureau of Criminal Apprehension shall make every effort for a period of one year after the seizure or recovery of abandoned or stolen property to return such property to the lawful owner or to the sheriff of the county from which it was stolen. (Act Apr. 23, 1941, c. 389, §1.)

9950-27. Same—Public sale—Notice.—Any such property held by such Bureau for more than one year, in case the owner cannot be found or if it cannot be determined from what county the property was stolen, shall be sold at public auction by the superintendent of the Bureau or his agent, after two weeks' published notice thereof in a legal newspaper in Ramsey County, stating the time and place of such sale and a list of the property to be sold. (Act Apr. 23, 1941, c. 389, §2.)

9950-28. Same—Disposition of proceeds.—The proceeds of such sale shall be applied in payment of the necessary expenses of the sale and all necessary costs, storage, or charges incurred in relation to such property. The balance of the proceeds of such sales shall be paid into the general revenue fund. (Act Apr. 23, 1941, c. 389, §3.)

### CHAPTER 94

#### Rights of Accused

9966. Acquittal—When a bar.  
Double jeopardy. 24MinnLawRev522.