

MINNESOTA STATUTES 1953 ANNOTATIONS

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JURISDICTION 627.01

ployees while pursuing or attempting to arrest a wanted subject. OAG March 22, 1950 (985-G).

626.35 DIVISION OF CRIMINAL STATISTICS

HISTORY. 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41.

626.36 DIVISION POWERS AND DUTIES, LOCAL OFFICERS TO CO-OPERATE

HISTORY. 1927 c 224 s 3; 1935 c 197 s 2; 1939 c 441 s 41.

626.38 SYSTEM FOR IDENTIFICATION OF CRIMINALS, RECORDS AND INDEXES

The privilege against self-incrimination includes a discussion relative to whether the privilege covers objective appearance of the body of the person, his Bertillon measurements, his fingerprints, footprints, chemical content of his urine, of his saliva, of his blood, and the like. 34 MLR 38.

The legislature under sections 626.38, 626.39, 626.40, 626.43, and 626.51, obligated certain state officers to obtain and record the fingerprints of certain classes of citizens. The statutes are silent as to the right of the superintendent of the state hospital to fingerprint patients. The object of the commission is the welfare of the public and the care, cure, and restoration of the ward, and if fingerprinting the patient will assist in furthering the public interest or the interest of the individual under observation, federal patients may be fingerprinted. OAG May 24, 1950 (248).

626.39 FINGERPRINTS, BERTILLON MEASUREMENTS, PHOTOGRAPHS; POWERS OF SHERIFFS AND POLICE OFFICERS

HISTORY. 1927 c 224 s 6; 1929 c 46 s 1; 1935 c 197 s 4.

The consent of parents is not necessary to fingerprint minors who come within the class of persons required by law to be fingerprinted. OAG July 7, 1948 (605-A-7).

626.40 PRINTS, FURNISHED BY SHERIFFS AND CHIEFS OF POLICE

HISTORY. 1927 c 224 s 7; 1929 c 46 s 2; 1935 c 197 s 5.

626.51 PENALTY ON LOCAL OFFICERS REFUSING INFORMATION

The legislature under sections 626.38, 626.39, 626.40, 626.43, and 626.51, obligated certain state officers to obtain and record the fingerprints of certain classes of citizens. The statutes are silent as to the right of the superintendent of the state hospital to fingerprint patients. The object of the commission is the welfare of the public and the care, cure, and restoration of the ward, and if fingerprinting the patient will assist in furthering the public interest or the interest of the individual under observation, federal patients may be fingerprinted. OAG May 24, 1950 (248).

CHAPTER 627

JURISDICTION

627.01 PLACE OF TRIAL, CHANGE OF VENUE

Criminal jurisdiction of a state over defendant based upon presence secured by force or fraud. 37 MLR 91.

MINNESOTA STATUTES 1953 ANNOTATIONS

627.05 JURISDICTION

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State jurisdiction not controlled by federal statute. 37 MLR 94.

Criminal defendant not immune from service of civil process in the county of his residence. 35 MLR 672.

Giving a check without funds or credit with intent to defraud, if committed, is an offense committed in the county in which the check was delivered and in which the payee was located within the statute providing that every criminal cause shall be tried in the county where the offense was committed. Hence the district court of that county had jurisdiction to try the maker. *State v Billington*, 228 M 79, 36 NW(2d) 393.

The place of payment of a bribe determines the county of the venue where the prosecution is for payment of a bribe which constitutes a part of a series of acts resulting in payment. OAG June 2, 1949 (133-B-19).

In prosecution for embezzlement venue should be laid in county where crime was committed. Where a distributor sold the products and received the money and failed to remit the embezzlement occurred where the goods were sold and the money collected. OAG March 24, 1952 (133-B-24-D).

Every criminal cause must be tried in the county where the offense was committed. In a prosecution for giving a check without funds, the crime was committed in the county where the check was used and delivered. OAG March 18, 1952 (133-B-43).

The intent to place the mortgaged personal property beyond the reach of the mortgagee or his assigns is an essential element of the crime defined by section 621.21, and as section 627.01 prescribes that every criminal cause shall be tried in the county in which the offense was committed, the venue of the prosecution must be laid in the county from which the mortgaged personal property was taken. OAG March 21, 1951 (133-B-59).

A person convicted of a felony and committed to the youth conservation commission who escapes from the "reception center" is guilty of an additional felony and the costs. Whether or not prosecution should be had is a matter of determination by the proper enforcement authorities; and in case of prosecution the venue is in the county where the offense of escape was committed. OAG Feb. 21, 1949 (145-B-1).

627.05 OFFENSE COMMITTED ON VESSEL, WHERE INDICTABLE AND TRIABLE

HISTORY. RS 1851 c 119 s 89; 1852 Amend p 27 s 130; PS 1858 c 105 s 25; GS 1866 s 108 s 19; GS 1878 c 108 s 19; GS 1894 s 7256; RL 1905 s 5314; GS 1913 s 9151.

627.06 OFFENSES ON PUBLIC CONVEYANCES, JURISDICTION

Although title of a riparian owner on navigable or public waters extends to ordinary low water mark, his title is not absolute except to ordinary high water mark. As to intervening space, his title is limited or qualified. Such riparian owner is entitled to recover damages for overflow caused by trespassing as may occur before what is known as the ordinary high water mark; but plaintiff in the instant case while showing damage by flooding, failed in his proof by not showing location of high water mark. This, together with evidence that the high water which damaged plaintiff's lands was not caused by act or failure of the defendants, but by extraordinary and unprecedented rainfall, sustains the finding of the trial court that the owner is not entitled to recover. *Mitchell v City of St. Paul*, 225 M 390, 31 NW(2d) 46.

627.12 Repealed, 1943 c 583 s 1.