

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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to recognize with- record make an affray, or threaten to kill or beat another, or to commit any
out warrant. violence or outrage against his person or property, and every person, who,
in the presence of such court or magistrate, shall contend with hot and
angry words, to the disturbance of the peace, may be ordered without
process or any other proof, to recognize for keeping the peace, and being
of good behavior, for a term not exceeding six months, and in case of a
refusal, may be committed as before directed.

Persons carrying (18.) SEC. XVIII. If any person shall go armed with a dirk, dagger,
offensive weap- sword, pistol or pistols, or other offensive and dangerous weapon, without
ons, how punish- reasonable cause to fear an assault or other injury or violence to his person,
ed. or to his family or property, he may, on complaint of any other person
having reasonable cause to fear an injury or breach of the peace, be
required to find sureties for keeping the peace, for a term not exceeding
six months, with the right of appealing as before provided.

Suit brought on (19.) SEC. XIX. Whenever upon a suit brought on any such recogni-
recognizance. zances, the penalty thereof shall be adjudged forfeited, the court may
remit such portion of the penalty, on the petition of any defendant, as the
circumstances of the case shall render just and reasonable.

Surety may take (20.) SEC. XX. Any surety in a recognizance to keep the peace, or
and surrender principal in re- for good behavior, or both, shall have the same authority and right to take
cognizance. and surrender his principal, as if he had been bail for him in a civil case,
and upon such surrender, shall be discharged and exempt from all liability
for any act of the principal, subsequent to such surrender, which would be
a breach of the condition of the recognizance; and the person so surren-
dered may recognize anew, with sufficient sureties, before any justice of the
peace for the residue of the term, and thereupon shall be discharged.

CHAPTER 102.

ARRESTS.

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5. Arrest for felony or misdemeanor, how made.
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trate.
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[Chapter 113, Revised Statutes.]

Arrest defined.

(1.) SEC. I. Arrest is the taking of a person into custody, that he may
be held to answer for a public offense.

- (2.) SEC. II. An arrest may be either:
1. By a peace officer under a warrant;
 2. By a peace officer without a warrant;
 3. By a private person.
- (3.) SEC. III. Every person must aid an officer in the execution of a warrant, if the officer require his aid, and be present and acting in its execution. Arrest how and by whom made.
- (4.) SEC. IV. If the offense charged be a felony, the arrest may be made on any day and at any time of the day or night; if it be a misdemeanor, the arrest cannot be made on Sunday, or at night, unless upon the direction of the magistrate indorsed upon the warrant. Every person must aid officer in making arrest.
- (5.) SEC. V. An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer. Arrest for felony or misdemeanor, how made.
- (6.) SEC. VI. The defendant is not to be subjected to any more restraint than is necessary for his arrest and detention. Arrest for felony or misdemeanor, how made.
- (7.) SEC. VII. The officer must inform the defendant that he acts under the authority of the warrant, and must also show the warrant if required. Defendant how to be restrained.
- (8.) SEC. VIII. If, after notice of intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary means to effect the arrest. Officer must inform defendant that he acts under authority.
- (9.) SEC. IX. 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 be refused admittance. Officer may use necessary force.
- (10.) SEC. X. An officer may break open an inner or outer door, or window of a dwelling house, for the purpose of liberating a person who, having entered for the purpose of making an arrest, is detained therein, or when necessary for his own liberation. Officer may break outer door to make arrest.

ARREST BY AN OFFICER WITHOUT A WARRANT.

- (11.) SEC. XI. A peace officer may, without a warrant, arrest a person:
1. For a public offense committed or attempted in his presence;
 2. When a person arrested has committed a felony, although not in his presence;
 3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;
 4. On a charge made upon reasonable cause of the commission of a felony by the party arrested.
- (12.) SEC. XII. 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 be refused admittance. When officer may arrest person without warrant.
- (13.) SEC. XIII. 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 appear that a felony has not been committed. Officer may break open door.
- (14.) SEC. XIV. When arresting a person without a warrant, the officer must 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. Arrests may be made at night.
- (15.) SEC. XV. 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. Officer must inform person of the cause of arrest.
- (16.) SEC. XVI. When a public offense is committed in the presence Person breaking peace to be taken before justice.
- Offenses in pres-

ence of magis-
trate.

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 before him on a warrant of arrest.

ARREST BY A PRIVATE PERSON.

When private
person may
arrest person.

(17.) SEC. XVII. A private person may arrest another :

1. For a public offense committed or attempted in his presence ;
2. When the person arrested has committed a felony, although not in his presence ;
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

Must inform per-
son the cause
of arrest.

(18.) SEC. XVIII. He must, 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.

Person making
such arrest may
break open door.

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

Person arrested
must be taken
before magis-
trate.

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

RETAKEING AFTER AN ESCAPE OR RESCUE.

Defendant may
be retaken if he
escape.

(21.) SEC. XXI. If a person arrested, escape or be rescued, the person from whose custody he escaped or was rescued, may immediately pursue and retake him, at any time and in any place in the territory.

When pursuer
may break win-
dow or door.

(22.) SEC. XXII. [*As amended on page 26 of the amendments of 1852 to the revised statutes.*] 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.

CHAPTER 103.

EXAMINATION OF OFFENDERS, COMMITMENT FOR TRIAL, AND TAKING BAIL.

SECTION.

1. What officers authorized to issue process under this chapter.
2. Proceedings upon complaint being made; justice to issue warrant.
3. Officer having process may apprehend defendant in any county.
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6. Proceedings when magistrate refuses to take bail.
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8. Before whom prisoner to be brought on arrest.
9. Justice may adjourn hearing for ten days.
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11. If person fail to recognize, must be committed.