

GENERAL STATUTES ³⁶
OF THE
STATE OF MINNESOTA

IN FORCE

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COMPLETE IN TWO VOLUMES.

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.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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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.)

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.

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. 132.

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