

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS  
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FOURTH EDITION.

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WITH SUPPLEMENTS,  
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF  
THE LEGISLATIVE SESSION OF 1883.

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1883.

*First.* To search for and seize any counterfeit or spurious coin, forged bank-notes, and other forged instruments, or tools, machines or materials, prepared or provided for making either of them;

*Second.* To search for and seize any books, pamphlets, ballads, printed papers, or other things containing obscene language, or obscene prints, pictures, figures, or descriptions, manifestly tending to corrupt the morals of youth, and intended to be sold, loaned, circulated, distributed or introduced into any family, school or place of education;

*Third.* To search for and seize any gambling apparatus or implements, used or kept, and to be used in gambling, in any gambling-house, or in any building, apartment, or place, resorted to for the purpose of gambling.

§ 3. *Same—to whom directed—contents.* All such warrants shall be directed to the sheriff of the county, or his deputy, or to any constable of the county, commanding such officer to search the house or place where the stolen property, or other things for which he is required to search, are believed to be concealed, which place and property or things to be searched for shall be designated and described in the warrant, and to bring such stolen property or other things, when found, and the person in whose possession the same are found, before the magistrate who issued the warrant, or before some other magistrate or court having cognizance of the case.

§ 4. *Property seized, how kept and disposed of.* When any officer, in the execution of a search-warrant, finds any stolen or embezzled property, or seizes any other things for which search is allowed by this chapter, all the property and things so seized shall be safely kept by the direction of the court or magistrate, so long as is necessary, for the purpose of being produced as evidence on any trial; and as soon as may be afterward, all such stolen and embezzled property shall be restored to the owner thereof, and all other things seized by virtue of such warrant shall be destroyed, under the direction of the court or magistrate

§ 1. See 1881 Sup't, p. III.

## CHAPTER CIII.

### DEMANDING FUGITIVES FROM JUSTICE.

#### SECTION

1. Agent to demand fugitive, how appointed.
2. Demand from another state—proceedings—warrant of extradition.
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#### SECTION

7. Conveying prisoners of other states through this state.

§ 1. *Agents to demand fugitives—how appointed—expenses, how paid.* The governor may, in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any state or territory, any fugitive from justice, or any person charged with felony or any other crime, in this state; and whenever an application is made to the governor for that purpose, the attorney general, when required by the governor, shall forthwith investigate, or cause to be investigated by any county attorney, the grounds of such application, and report to the governor all material circum-

stances which may come to his knowledge, with an abstract of the evidence, and his opinion as to the expediency of the demand; and the accounts of the agents appointed for such purpose shall, in all cases, be audited by the governor, and paid from the state treasury.

§ 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 offence against the laws of the state or of the United States, and also whether such demand is made according to law, so that such person ought to be delivered up; and if the governor is notified that such demand is conformable to law, and ought to be complied with, he shall issue his warrant, under the seal of the state, authorizing such person as he shall name therein, either forthwith or at the time designated by the warrant, to take and transport the person so demanded to the line of the state, at the expense of the state or territory in whose name such person may have been demanded, and to deliver over such person, at the line of the state, to the agent of the state or territory making such demand; and shall also, by such warrant, require the civil officers within this state to afford all needful assistance in the execution thereof. (*As amended 1874, c. 15, § 1.*)

§ 3. Fugitive from another state may be arrested, when—proceedings. Whenever any person is found within this state, charged with any offence committed in any state or territory, and liable by the constitution and laws of the United States to be delivered over upon the demand of the executive of such state or territory, any court or magistrate authorized to issue warrants, in criminal cases may, upon complaint under oath, setting forth the offence and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the same or some other court or magistrate within the county where such person is found.

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§ 4. May give recognizance, when—failure to appear. If, upon examination of the person charged, it appears to the court or magistrate that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the governor, he shall, if the offence is bailable, be required to recognize with sufficient sureties, in a reasonable sum, to appear before such court or magistrate at a future day, allowing a reasonable time to obtain the warrant of the executive, and to abide the order of the court or magistrate; and if such person shall not so recognize, he shall be committed to prison, and there detained until such day, in like manner as if the offence charged had been committed within this state; and if the person so recognizing fails to appear according to the condition of his recognizance, he shall be defaulted, and the like proceeding shall be had as in case of other recognizances entered into before such court or magistrate; but if the offence is not bailable, he shall be committed to prison, and there detained until the day so appointed for his appearance before the court or magistrate.

§ 5. Shall be discharged, when. If the person so recognized or committed appears before the court or magistrate upon the day ordered, he shall be discharged unless he is demanded by some person authorized by the warrant of the executive to receive him, or unless the court or magistrate sees cause to commit him, or to require him to recognize anew, for his appearance at some other day; and if,

when ordered, he shall not so recognize, he shall be committed and detained as before provided; whether the person so discharged is recognized, committed, or discharged, any person authorized by the warrant of the executive may at all times take him into custody, and the same is a discharge of the recognizance, if any, and shall not be deemed an escape.

§ 6. **Complainant liable for expenses—discharge on failure to pay.** The complainant in such case shall be answerable for the actual costs and charges, and for the support in prison, of any person so committed, and shall advance to the jailor one week's board at the time of commitment, and so from week to week so long as such persons shall remain in jail; and if he fails so to do, the jailor may forthwith discharge such person from custody.

\*§ 7. **Conveying prisoners through this state.** Any person who has been or shall be convicted of or charged with any crime, in any other state or territory of the United States, and who shall be lawfully in the custody of any officer of the state or territory where such offence is claimed to have been committed, may be by said officer conveyed from and through this state, for which purpose said officer shall have all the powers in regard to the control and custody of said prisoner, that an officer of this state has over a prisoner in his charge. (1877, c. 10A, § 1.)

## CHAPTER CIV.

### PROCEEDINGS TO PREVENT THE COMMISSION OF CRIMES.

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§ 1. **Conservators of the peace.** The judges of the several courts of record, in vacation, within their respective districts, as well as in open court, and all justices of the peace, within their respective counties, shall have power to cause all laws made for the preservation of the public peace to be kept, and, in the execution of that power, may require persons to give security to keep the peace, or for their good behavior, or both, in the manner provided in this chapter.

§ 2. **Proceedings on complaint to magistrate.** Whenever complaint is made to any such magistrate that any person has threatened to commit an offence against the person or property of another, the magistrate shall examine the complainant and any witness who may be produced, on oath, and reduce such complaint to writing, and cause the same to be subscribed by the complainant.