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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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9 nize for keeping the peace, and being of good behavior, for
10 a term not exceeding six months, and in case of a refusal
11 may be committed as before directed.

1 SECT. 17. Whoever goes armed with a dirk, dagger, C. S. p. 742, Sect. 18. C 101
2 sword, pistol or pistols, or other offensive and dangerous
3 weapon, without reasonable cause to fear an assault or oth-
4 er injury or violence to his person, or to his family or prop-
5 erty, may, on complaint of any other person having reason-
6 ble cause to fear an injury or breach of the peace, be requir-
7 ed to find sureties for keeping the peace, for a term not
8 exceeding six months, with the right of appealing as before
9 provided.

1 SECT. 18. Whenever upon an action brought on any C. S. p. 742, Sect. 19.
2 such recognizances, the penalty thereof is adjudged forfeit-
3 ed, the court may remit such portion of the penalty on the
4 petition of any defendant, as the circumstances of the case
5 render just and reasonable.

1 SECT. 19. Any surety in a recognizance to keep the
2 peace, or for good behavior, or both, has authority and right to C. S. p. 742, Sect. 20.
3 take and surrender his principal, and upon such surrender shall
4 be discharged and exempted from all liability for any act of
5 the principal subsequent to such surrender, which would be
6 a breach of the condition of the recognizance; and the per-
7 son so surrendered may recognize anew with sufficient sure-
8 ties, before any justice of the peace for the residue of the
9 term, and thereupon shall be discharged.

CHAPTER CV.

ARRESTS.

1 SECTION 1. Arrest is the taking of a person into custo- C. S. p. 742, Sect. 1. C 102
2 dy, that he may be held to answer for a public offense.

1 SECT. 2. An arrest may be either : C. S. p. 743, Sect. 2.
2 *First.*—By a peace officer under a warrant ;
3 *Second.*—By a peace officer without a warrant ;
4 *Third.*—By a private person.

1 SECT. 3. Every person must aid an officer in the exe-
2 cution of a warrant, if the officer requires his aid, and is C. S. p. 743, Sect. 3.
3 present and acting in its execution.

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C. S. p. 743, Sect. 4. 1 SECT. 4. If the offense charged is a felony, the arrest
2 may be made on any day and at any time of the day or night ;
3 if it is a misdemeanor, the arrest cannot be made on Sun-
4 day, or at night, unless upon the direction of the magistrate
5 indorsed upon the warrant.

C. S. p. 743, Sect. 5. 1 SECT. 5. An arrest is made by an actual restraint of the
2 person of the defendant, or by his submission to the custody
3 of the officer.

C. S. p. 743, Sect. 6. 1 SECT. 6. The defendant shall not be subjected to any
2 more restraint than is necessary for his arrest and detention.

C. S. p. 743, Sect. 7. 1 SECT. 7. The officer shall inform the defendant that he
2 acts under the authority of the warrant, and show the war-
3 rant if required.

C. S. p. 743, Sect. 8. 1 SECT. 8. If, after notice of intention to arrest the de-
2 fendant, he either flees or forcibly resists the officer may
3 use all necessary means to effect the arrest.

C. S. p. 743, Sect. 9. 1 SECT. 9. The officer may break open an inner or outer
2 door, or window of a dwelling house, to execute the war-
3 rant, if after notice of his authority and purpose he is refus-
4 ed admittance.

C. S. p. 743, Sect. 10. 1 SECT. 10. An officer may break open an inner or out-
2 er door, or window of a dwelling house when necessary for
3 his own liberation or for the purpose of liberating a person
4 who, having entered to make an arrest, is detained therein.

ARREST BY AN OFFICER WITHOUT A WARRANT.

C. S. p. 743, Sect. 11. 1 SECT. 11. A peace officer may, without a warrant, ar-
2 rest a person :
3 *First.*—For a public offense committed or attempted in
4 his presence ;
5 *Second.*—When a person arrested has committed a felony,
6 although not in his presence ;
7 *Third.*—When a felony has in fact been committed, and
8 he has reasonable cause for believing the person arrested
9 to have committed it ;
10 *Fourth.*—On a charge made upon reasonable cause of the
11 commission of a felony by the party arrested.

C. S. p. 743, Sect. 12. 1 SECT. 12. To make an arrest as provided in the last
2 section, the officer may break open an outer or inner door
3 or window of a dwelling house, if after notice of his office
4 and purpose, he is refused admittance.

1 SECT. 13. He may also at night, without a warrant, ar-
 2 rest any person whom he has reasonable cause for believing
 3 to have committed a felony, and is justified in making the
 4 arrest, though it afterwards appears that a felony has not
 5 been committed. C. S. p. 743, Sect. 13. C 102

1 SECT. 14. When arresting a person without a warrant,
 2 the officer shall inform him of his authority, and the cause
 3 of the arrest, except when he is in the actual commission of a
 4 public offense, or is pursued immediately after an escape. C. S. p. 743, Sect. 14.

1 SECT. 15. He may take before a magistrate, a person
 2 who being engaged in a breach of the peace, is arrested by
 3 a bystander and delivered to him. C. S. p. 743, Sect. 15.

1 SECT. 16. When a public offense is committed in the
 2 presence of a magistrate, he may, by a verbal or written or-
 3 der, command any person to arrest the offender, and may
 4 thereupon proceed as if the offender had been before him
 5 on a warrant of arrest. C. S. p. 743, Sect. 16.

ARREST BY A PRIVATE PERSON.

1 SECT. 17. A private person may arrest another :
 2 *First.*—For a public offense committed or attempted in
 3 his presence ; C. S. p. 744, Sect. 17.
 4 *Second.*—When a person arrested has committed a felony,
 5 although not in his presence ;
 6 *Third.*—When a felony has in fact been committed, and
 7 he has reasonable cause for believing the person arrested
 8 to have committed it.

1 SECT. 18. He shall, before making the arrest, inform
 2 the person to be arrested, of the cause thereof, and require
 3 him to submit, except when he is in the actual commission of
 4 the offence, or when he is arrested on pursuit immediately
 5 after its commission. C. S. p. 744, Sect. 18.

1 SECT. 19. If the person to be arrested had committed a
 2 felony, and a private person, after notice of his intention to
 3 make the arrest, is refused admittance, he may break open
 4 an outer or inner door or window of a dwelling house, for
 5 the purpose of making the same. C. S. p. 744, Sect. 19.

1 SECT. 20. A private person who has arrested another
 2 for the commission of a public offense, shall, without un-
 3 necessary delay, take him before a magistrate, or deliver
 4 him to a peace officer. C. S. p. 744, Sect. 20.

RETAKING AFTER AN ESCAPE OR RESCUE.

c 102 C. S. p. 744, Sect. 21. 1 SECT. 21. If a person arrested, escapes or is rescued,
2 the person from whose custody he has escaped or was res-
3 cued, may immediately pursue and retake him, at any time
4 and in any place in the state.

C. S. p. 744, Sect. 22. 1 SECT. 22. To retake the person escaping or rescued, the
2 person pursuing may, after notice of his intention, and re-
3 fusal of admittance, break open an outer or inner door or
4 window of a dwelling house.

CHAPTER CVI.

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

c 103 C. S. p. 745, Sect. 1. 1 SECTION 1. For the apprehension of persons charged
2 with offenses, the judges of the several courts of record, in
3 vacation as well as in term time, and all justices of the
4 peace, are authorized to issue process to carry into effect the
5 provisions of this chapter.

C. S. p. 745, Sect. 2. 1 SECT. 2. Upon complaint being made to any such mag-
2 istrate that a criminal offense has been committed, he shall
3 examine on oath the complainant and any witness provided
4 by him, and shall reduce the complaint to writing, and shall
5 cause the same to be subscribed by the complainant; and
6 if it appears that any such offense has been committed, the
7 court or justice shall issue a warrant reciting the substance
8 of the accusation, and requiring the officer to whom it is
9 directed, forthwith to take the person accused and bring
10 him before the said court or justice, or before some other
11 court or magistrate of the county, to be dealt with accord-
12 ing to law; and in the same warrant may require the officer
13 to summon such witnesses as are therein named, to appear
14 and give evidence on the examination.

C. S. p. 745, Sect. 3. 1 SECT. 3. If any person against whom a warrant is issued
2 for an alleged offense committed in any county, either be-
3 fore or after the issuing of such warrant, escapes from or is
4 out of the county, the sheriff or other officer to whom such
5 warrant is directed may pursue and apprehend the party
6 charged, in any county in this state, and for that purpose
7 may command aid and exercise the same authority as in his
8 own county.