

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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Where the Legislature declares an offense in terms so indefinite that they may embrace, not only acts commonly recognized as reprehensible, but also others which it is unreasonable to believe were intended to be made unlawful, the statute is void for uncertainty. *State v. Parker*, 237NW409. See *Dun. Dig.* 8989.

§9912. Duress—How constituted.

176M175, 222NW906.

§9915. Criminal responsibility of insane persons.

Acts of cruel and inhuman treatment which result from a diseased mind are no cause for divorce. 171M258, 213NW906.

§9917. Principal defined.

Owner of business maintaining sign over sidewalk was liable for punishment for maintaining sign in violation of ordinance, although the sign was installed by a sign hanger and though ordinance provided that no one unless a licensed sign hanger should install any sign and should obtain a permit before installing one. 176M151, 222NW639.

§9920. Certain duties of courts and juries.

No conviction for perjury for untrue answers to questions after plea of guilty. 171M246, 213NW900.

§9930. Attempts—How punished.

Evidence held to warrant a conviction of attempt to commit rape. 171M515, 213NW923.

Evidence held to support conviction of attempt to commit arson. 173M368, 217NW378.

§9931. Second offenses—Punishment.

The procedure prescribed in this section and in §§9931-1 to 9931-4 does not place the defendant twice in jeopardy. 175M508, 221NW900.

Laws 1927, c. 236 (§§9931 to 9931-4), is constitutional. 175M508, 221NW900.

Identity of names is sufficient prima facie evidence of identities. 175M516, 221NW903.

This section as it stood prior to 1927 amendment does not prevent fixing of maximum term of imprisonment under §10765. 179M532, 229NW787.

Proof of identity, see *Op. Atty. Gen.*, Apr. 28, 1929.

Minimum punishment is two years, in view of *Mason's St.* 1927, §9921-1. *Op. Atty. Gen.*, July 19, 1929.

The prior convictions in order to be available for increased punishment must precede the

commission of the offense for which sentence is being imposed. *State v. McKenzie*, 235NW274. See *Dun. Dig.* 2503c.

§9931-2. Punishment not dependent upon indictment and conviction as previous offender.

Prosecution may be initiated by information though it may result in a sentence of imprisonment for more than ten years. 175M508, 221NW900.

§9931-3. Same—Information, etc.

Section 10666 has no application to the procedure under this section and is not repealed by the act of which this section is a part. 175M508, 221NW900.

Court did not err in charging the jury "As you all know the defendant at this term of court was convicted of burglary in the third degree." 175M516, 221NW903.

§9932. Imprisonment on two or more convictions.

Where execution of sentence was stayed and relator was placed on probation and was later sentenced and committed for a subsequent crime at which time stay of first sentence was revoked, the first sentence did not start to run until the expiration of the second sentence. 177M338, 225NW154.

§9934. Sentence — How limited — Jail — Workhouse.

Contempt is not a "crime" within §9934, and, in view of §9802, punishment can only be by imprisonment in county jail and not in a workhouse. 175M57, 220NW414.

§9936. Suspension of sentence.

In absence of statute court cannot change or modify valid sentence after expiration of term. *State v. Carlson*, 228NW173

§9940. Restoration to civil rights.

Person convicted in federal court cannot vote or hold office without Presidential pardon. *Op. Atty. Gen.*, Apr. 3, 1930; Apr. 21, 1930.

§9948. Convict as witness.

Misconduct of prosecuting attorney in cross-examining defendant with respect to other charges of crime, held to require a new trial. 176M442, 223NW769.

Insinuations that defendant had been involved in like affairs before, held prejudicial notwithstanding this section. 179M436, 229NW564.

CHAPTER 93A

Prevention and Control of Crime—Bureau of Criminal Apprehension

§9950-10. Taking of finger prints, etc.—All sheriffs and deputies in their respective counties with the consent of the judge of the District Court or a court commissioner of or for the county in which the arrest is made and all police officers in cities of the first and second classes under the direction of the chief of police in such cities, shall have the power to take or cause to be taken finger and thumb prints, bertillon measurements, photographs and other identification data; (a) of all persons arrested for felony, (b) of all persons reasonably believed by the arresting officer to be fugitives from justice, (c) of all persons in whose possession, when arrested, are found concealed firearms or other danger-

ous weapons, burglar tools or outfits, high power explosives, or articles, machines or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes. (As amended Feb. 28, 1929, c. 46, §6.)

§9950-11. Sheriff to report to bureau.—The sheriff of each county and the chief of police of each city of the first and second classes shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, bertillon measurements, photographs and other identification data, which may be taken under the provisions of Section 6 of this act, of persons who shall be convicted of a felony or who

shall be found to have been convicted of a felony within ten years next preceding their arrest. Upon the determination of all pending criminal actions or proceedings in favor of the arrested person, he shall, upon demand, have all such finger and thumb prints, bertillon measurements, photographs, and

other identification data, and all copies and duplicates thereof, returned to him, provided it is not established that he has been convicted of any felony either within or without the state within the period of ten years immediately preceding such determination. (As amended Feb. 28, 1929, c. 46, §7.)

CHAPTER 94

Rights of Accused

§9953. Conviction—When had.

A "confession in open court" is a formal admission that the specific crime or one included within the indictment was committed. State v. C., 233NW590. See Dun. Dig. 2462.

§9954. Dismissal, when.

"Good cause" means a substantial reason, one that affords a legal excuse. 173M153, 216NW787.

Defendant's silence, in the face of numerous continuances and long delay, waives right to a speedy trial 173M153, 216NW787.

CHAPTER 96

Crimes Against Public Justice

BRIBERY AND CORRUPTION

§9982. Bribery of public officer or legislator.

This section is constitutional. 176M308, 223NW144.

Variance between allegations and proof; admissibility of evidence. 180M450, 231NW225.

§9983. Asking or receiving bribes.

2. Indictment.

Indictment charging that defendant did "ask, agree to receive, and receive" a bribe, was not duplicitous or repugnant, and state need not elect. 178M437, 227NW497.

Proof of acceptance of credit on price of automobile not fatal variance from allegation of acceptance of money. 178M437, 227NW497.

Admissibility of evidence, and variance between allegations and proof. 180M450, 231NW225.

RESCUES AND ESCAPES

§10005. Taking property from office.

Owner of growing crops levied on by officer violates this section by feeding the crops to his live stock. Op. Atty. Gen., Mar. 9, 1929.

PERJURY AND OTHER CRIMES

§10016. Perjury defined.

1. What constitutes.

No conviction for perjury for untrue answers to questions after plea of guilty. 171M246, 213NW900.

§10018. Knowledge of materiality not necessary.

No conviction for perjury for untrue answers to questions after plea of guilty. 171M246, 213NW900.

§10030. Arrest without authority.

Railroad held liable for unlawful arrest by special agent at depot. 176M203, 223NW94.

§10034. Compounding crimes.

Complaint held not bad for duplicity, and evidence held to support conviction. 181M106, 231NW804.

§10044. Misconduct by attorneys.

This section trebles damages in actions there-in referred to, but does not create any new cause of action. 181M322, 232NW515. See Dun. Dig. 674.

§10052. Other false certificates.

Civil liability for false certificate as to tax liens. 181M334, 232NW339. See Dun. Dig. 2314a.

CHAPTER 97

Crimes Against the Person

HOMICIDE

§10065. Defined and classified.

Evidence that defendant was the possessor of a weapon of the kind with which a homicide was committed is not rendered incompetent by reason of the fact that it tends incidentally to prove the commission of other and unrelated offenses. 172M106, 214NW782.

State's rebuttal evidence was admissible. 172M106, 214NW782.

§10067. Murder in first degree.

8. Evidence.

No reversible error found in reception of evidence of conversation between killer and defendant after arrest. 176M562, 223NW917.

Finding that defendant, with knowledge of killer's intent to kill, encouraged and abetted him, held justified by the evidence. 176M562, 223NW917.

Dying declarations, res gestæ, and sufficiency to support conviction. 180M221, 230NW639.