

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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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, 216NW 787.

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, 223 NW144.

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, 231NW 225.

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, 213 NW900.

§10018. Knowledge of materiality not necessary.

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

§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, 231 NW804.

§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. 172 M106, 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 geste, and sufficiency to support conviction. 180M221, 230NW639.

§10070. Murder in third degree.

One killing another with an automobile while recklessly driving it in an intoxicated condition may be convicted of murder in the third degree. 171M414, 214NW280.

Evidence held not to require an instruction that defendant should be acquitted if he was so drunk that he did not know what he was doing. 171M414, 214NW280.

§10074. Manslaughter in first degree.**5. Evidence.**

Statement of deceased forty minutes after assault, "Oh, Mother, my head hurts me, one held me while the other hit me," held admissible. 173M410, 217NW373.

Defendant advancing good character to show improbability of his guilt is not limited to general repute but may show as a fact that he possesses a certain disposition or certain characteristics. 173M410, 217NW373.

§10078. Manslaughter in second degree.

Automobilist held properly convicted of manslaughter in the second degree. 175M537, 221NW899.

Conviction of manslaughter for culpable negligence in running down pedestrian on street, held sustained by evidence. 179M1, 228NW171.

Evidence, held to support conviction for death of person by culpable negligence. 181M68, 231NW721.

ASSAULT**§10097. Assault in first degree defined—How punished.**

Sufficiency of identification of accused. 179M516, 229NW789.

Evidence, held to support conviction. Expert testimony as to signature of person purchasing revolver, held properly received in evidence. 181M28, 231NW411.

§10098. Assault in second degree defined—How punished.**1. What constitutes in general.**

Assault upon a de facto officer to prevent a lawful arrest is an assault in the second degree under this section. 174M565, 219NW877.

It is sufficient if the intended "felony" is involved in the offender's conduct in his relation towards some person or persons other than the one actually assaulted. State v. Jankowitz, 221NW533.

The word "willfully" means evil intent or bad purpose, but does not require a specific intent to inflict grievous bodily injury. 228NW164.

Whether defendant inflicted grievous bodily harm, held for jury. 178M589, 228NW164.

ROBBERY**§10102. In first degree, how punished.**

Conviction for robbery in taking shotgun by force during attempt to rob held sustained by evidence. 173M232, 217NW104.

Evidence in relation to weapons and shells found at the time of defendant's arrest was properly received in prosecution for taking shotgun. 173M232, 217NW104.

Evidence held to support conviction and rulings on evidence approved. 179M301, 229NW99.

Evidence, held to present a question for the jury as to the identity of defendant. 181M203, 232NW111. See Dun. Dig. 2468d, 2477.

§10103. Same.

179M532, 229NW737.

§10106. Life imprisonment for bank robbers.

Statute is constitutional. 171M158, 213NW735.

Charge held not objectionable as permitting conviction of crime other than that charged. 171M158, 213NW735.

Admissibility and sufficiency of evidence. 171M158, 213NW735.

Evidence justified in finding of participation in robbery of bank. 177M363, 225NW278.

LIBEL AND SLANDER**§10114. Publication defined.**

There is no liability for sending a libelous letter to the person defamed, though a third person reads the letter. 181M364, 232NW625. See Dun. Dig. 5507(67).

§10120. Slander of women.

Op. Atty. Gen., Jan. 11, 1930.

§10123. Slander.

Op. Atty. Gen., Jan. 11, 1930.

§10123-1. Lewd, scandalous and defamatory newspaper.

This act [§§10123-1 to 10123-3] does not violate Const., art. 1, §§3, 4. 174M457, 219NW770.

This act is constitutional. State v. Guilford, 228NW326. Reversed by U. S. Sup. Ct., 283US 697, 51SCR625.

§10123-3. Same—Trial—Injunction—Contempt.

There is no right to a jury trial. 174M457, 219NW770.

§10123-4. Certain statements to be unlawful.—It shall be unlawful for any person, firm or corporation to falsely and maliciously state, utter, publish or cause to be falsely and maliciously stated, uttered, or published, any report, rumor or statement directly or indirectly tending to disclose that any bank, public or savings institution is in an existing or probable insolvent financial condition. (Act Apr. 17, 1929, c. 212, §1.)

§10123-5. Violation a gross misdemeanor.—Any person, firm or corporation violating any of the provisions of Section 1 hereof shall be deemed guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail of any county wherein such false, slanderous declarations are made or published, for a term of not less than 30 days nor more than 6 months or by a fine of not less than \$100.00 or both. (Act Apr. 17, 1929, c. 212, §2.)

Each single statement or utterance would constitute a separate offense. Disclosure of truth concerning a bank would not be an offense. The rules of law with respect to malice in the law of libel and slander applies. Form of complaint suggested. Op. Atty. Gen., Jan. 11, 1930.