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PASSED AT THE SECOND SESSION OF THE  
LEGISLATIVE ASSEMBLY,

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portion of the penalty, on the petition of any defendant, as the circumstances of the case shall render just and reasonable.

SEC. 20. Any surety in a recognizance to keep the peace, or for good behavior, or both, shall have the same authority and right to take and surrender his principal, as if he had been bail for him in a civil case, and upon such surrender, shall be discharged and exempt from all liability for any act of the principal, subsequent to such surrender, which would be a breach of the condition of the recognizance; and the person so surrendered may recognize anew, with sufficient sureties, before any justice of the peace for the residue of the term, and thereupon shall be discharged.

Surety may take and surrender principal in recognizance.

CHAPTER 113.

OF ARRESTS.

SECTION

1. Arrest defined.
2. Arrest how and by whom made.
3. Every person must aid officer in making arrest.
4. Arrest for felony or misdemeanor how made.
5. Arrest for felony or misdemeanor how made.
6. Defendant how to be restrained.
7. Officer must inform defendant that he acts under authority.
8. Officer may use necessary force.
9. Officer may break outer door to make arrest.
10. Officer may break outer door to make arrest.
11. When officer may arrest person without warrant.

SECTION

12. Officer may break open door.
13. Arrest may be made at night.
14. Officer must inform person of the cause of arrest.
15. Person breaking peace to be taken before justice.
16. Offences in presence of magistrate.
17. When private person may arrest person.
18. Must inform person the cause of arrest.
19. Person making such arrest may break open door.
20. Person arrested must be taken before magistrate.
21. Defendant may be retaken if he escape.
22. Person pursuing may break open door, &c.

SEC. 1. Arrest is the taking of a person into custody, that he may be held to answer for a public offence.

Arrest defined.

SEC. 2. An arrest may be either,

Arrest how and by whom made.

1. By a peace officer under a warrant :
2. By a peace officer without a warrant :
3. By a private person.

SEC. 3. Every person must aid an officer in the execution of a warrant, if the officer require his aid, and be present and acting in its execution.

Every person must aid officer in making arrest.

SEC. 4. If the offence charged be a felony, the arrest may be made on any day and at any time of the day or night; if it be a misdemeanor, the arrest cannot be made on Sunday, or at night, unless upon the direction of the magistrate indorsed upon the warrant.

Arrest for felony or misdemeanor how made.

SEC. 5. An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer.

Arrest for felony or misdemeanor how made.

SEC. 6. The defendant is not to be subjected to any more restraint than is necessary for his arrest and detention.

Defendant how to be restrained.

Officer must inform defendant that he acts under authority.

SEC. 7. The officer must inform the defendant that he acts under the authority of the warrant, and must also show the warrant if required.

Officer may use necessary force.

SEC. 8. If, after notice of intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary means to effect the arrest.

Officer may break outer door to make arrest.

SEC. 9. The officer may break open an inner or outer door, or window of a dwelling house, to execute the warrant, if after notice of his authority and purpose he be refused admittance.

Officer may break outer door to make arrest.

SEC. 10. An officer may break open an inner or outer door, or window of a dwelling house, for the purpose of liberating a person who, having entered for the purpose of making an arrest, is detained therein, or when necessary for his own liberation.

ARREST BY AN OFFICER WITHOUT A WARRANT.

When officer may arrest person without warrant.

SEC. 11. A peace officer may, without a warrant, arrest a person,

1. For a public offence committed or attempted in his presence :
2. When a person arrested has committed a felony, although not in his presence :
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it :
4. On a charge made upon reasonable cause of the commission of a felony by the party arrested.

Officer may break open door.

SEC. 12. To make an arrest as provided in the last section, the officer may break open an outer or inner door or window of a dwelling house, if after notice of his office and purpose, he be refused admittance.

Arrests may be made at night.

SEC. 13. He may also at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest, though it afterwards appear that a felony has not been committed.

Officer must inform person of the cause of arrest.

SEC. 14. When arresting a person without a warrant, the officer must inform him of his authority, and the cause of the arrest, except when he is in the actual commission of a public offence, or is pursued immediately after an escape.

Person breaking peace to be taken before justice.

SEC. 15. He may take before a magistrate, a person who being engaged in a breach of the peace, is arrested by a bystander and delivered to him.

Offences in presence of magistrate.

SEC. 16. When a public offence is committed in the presence of a magistrate, he may, by a verbal or written order, command any person to arrest the offender, and may thereupon proceed as if the offender had been brought before him on a warrant of arrest.

ARREST BY A PRIVATE PERSON.

When private person may arrest person.

SEC. 17. A private person may arrest another,

1. For a public offence committed or attempted in his presence :
2. When the person arrested has committed a felony although not in his presence :
3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

Must inform person the cause of arrest.

SEC. 18. He must, before making the arrest, inform the person to be arrested, of the cause thereof, and require him to submit, except when he is in the actual commission of the offence, or when he is arrested on pursuit immediately after its commission.

Person making such arrest may break open door.

SEC. 19. If the person to be arrested had committed a felony, and a private person, after notice of his intention to make the arrest, be re-

fused admittance, he may break open an outer or inner door or window of a dwelling house, for the purpose of making the same.

SEC. 20. A private person who has arrested another for the commission of a public offence, must, without unnecessary delay, take him before a magistrate, or deliver him to a peace officer.

Person arrested must be taken before magistrate.

RETAKING AFTER AN ESCAPE OR RESCUE.

SEC. 21. If a person arrested, escape or be rescued, the person from whose custody he escaped or was rescued, may immediately pursue and retake him at any time, and in any place in the territory.

Defendant may be retaken if he escape.

SEC. 22. To retake the person escaping or rescued, the person pursuing may, after notice of his intention and refusal of admittance, break open an inner door or window of a dwelling house.

Person pursuing may break open door, &c.

CHAPTER 114.

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

SECTION

1. What officers authorized to issue process under this chapter.
2. Proceedings upon complaint being made; justice to issue warrant.
3. Officer having process may apprehend defendant in any county.
4. Defendant may enter recognizance without examination.
5. Duty of magistrate taking the recognizance.
6. Proceedings when magistrate refuses to take bail.
7. Proceedings in case of felones.
8. Before whom prisoner to be brought on arrest.
9. Justice may adjourn hearing for ten days.
10. Proceeding when defendant does not appear on adjourn day.
11. If person fail to recognize, must be committed.
12. Examination how conducted.
13. Examination how conducted.
14. Examination how conducted.
15. Testimony to be reduced to writing.

SECTION

16. Defendant when to be discharged.
17. When defendant may be bailed.
18. When defendant to be discharged.
19. When witnesses may be held to bail.
20. When justice may require other security of witnesses.
21. When married woman or minor is witness.
22. When witnesses may be committed.
23. When prisoner may be released from.
24. Justice may associate with himself another justice.
25. Examination and recognizance how returned.
26. Magistrate may discharge recognizance in certain cases.
27. Order discharging recognizance when filed.
28. Proceeding in case of forfeiture of recognizance.
29. Security in recognizance may pay amount to county.
30. Action on recognizance.
31. Such action when barred or defeated.

SEC. 1. For the apprehension of persons charged with offences the judges of the several courts of record, in vacation as well as in term time, and all justices of the peace are authorized to issue process to carry into effect the provisions of this chapter.

What officers authorized to issue process under this chapter.

SEC. 2. Upon complaint being made to any such magistrate that a criminal offence has been committed, he shall examine on oath the complainant and any witnesses provided by him, and shall reduce the complaint

Proceedings upon complaint being made.