

21079
65

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.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

27

D

10 magistrate who issued the warrant, or before some other
11 magistrate, or court, having cognizance of the case.

c 99

C. S. D. 737, Sect. 4.

1 SECT. 4. When any officer, in the execution of a search
2 warrant, finds any stolen or embezzled property, or seizes
3 any other things, for which a search is allowed by this chap-
4 ter, all the property and things so seized, shall be safely
5 kept by the direction of the court or magistrate, so long as
6 is necessary for the purpose of being produced as evidence
7 on any trial, and as soon as may be afterwards all such stolen
8 and embezzled property shall be restored to the owner there-
9 of, and all other things seized by virtue of such warrant
10 shall be destroyed, under the direction of the court or mag-
11 istrate.

CHAPTER CIII.

DEMANDING FUGITIVES FROM JUSTICE.

c 100

C. S. D. 738, Sect. 1.

1 SECTION 1. The governor may, in any case authorized
2 by the constitution and laws of the United States, appoint
3 agents to demand of the executive authority of any state or
4 territory, any fugitive from justice, or any person charged
5 with felony or any other crime, in this state, and whenever
6 an application is made to the governor for that purpose, the
7 attorney general, when required by the governor, shall
8 forthwith investigate, or cause to be investigated by any
9 county attorney, the grounds of such application, and re-
10 port to the governor all material circumstances which may
11 come to his knowledge, with an abstract of the evidence,
12 and his opinion as to the expediency of the demand; and
13 the accounts of the agents appointed for such purpose, shall
14 in all cases be audited by the governor and paid from the
15 state treasury.

C. S. D. 738, Sect. 2.

1 SECT. 2. When a demand is made upon the governor
2 by the executive of any state or territory, in any case au-
3 thorized by the constitution and laws of the United States,
4 for the delivery over of any person charged in such state or
5 territory, with treason, felony, or any other crime, the at-
6 torney general, when required by the governor, shall forth-
7 with investigate the ground of such demand, or cause the
8 same to be investigated by any county attorney, and report
9 to the governor all material facts which may come to his
10 knowledge, as to the situation and circumstances of the person
11 so demanded, especially whether he is held in custody, or

12 is under recognizance to answer for any offense against the
 13 laws of this state, or of the United States, and also whether
 14 such demand is made according to law, so that such person
 15 ought to be delivered up; and if the governor is satisfied
 16 that such demand is conformable to law, and ought to be
 17 complied with, he shall issue his warrant, under the seal of
 18 the state, authorizing the agents who make such demand,
 19 either forthwith or at the time designated by the warrant,
 20 to take and transport such person to the line of the state at
 21 the expense of such agents, and shall also, by such warrant,
 22 require the civil officers within this state, to afford all need-
 23 ful assistance in the execution thereof.

1 SECT. 3. Whenever any person is found within this
 2 state, charged with any offense committed in any state or
 3 territory, and liable by the constitution and laws of the
 4 United States, to be delivered over upon the demand of the
 5 executive of such state or territory, any court or magistrate
 6 authorized to issue warrants in criminal cases, may, upon
 7 complaint under oath, setting forth the offense and such other
 8 matters as are necessary to bring the case within the pro-
 9 visions of law, issue a warrant to bring the person so charg-
 10 ed before the same, or some other court or magistrate within
 11 the county where such person is found.

C. S. p. 738, Sect. 3. c 100

1 SECT. 4. If, upon examination of the person charged,
 2 it appears to the court or magistrate that there is reasona-
 3 ble cause to believe that the complaint is true, and that
 4 such person may be lawfully demanded of the governor, he
 5 shall, if the offense is bailable, be required to recognize with
 6 sufficient sureties, in a reasonable sum, to appear before
 7 such court or magistrate at a future day, allowing a reason-
 8 able time to obtain the warrant of the executive, and to
 9 abide the order of the court or magistrate; and if such per-
 10 son shall not so recognize, he shall be committed to prison,
 11 and there detained until such day, in like manner as if the
 12 offense charged had been committed within this state; and
 13 if the person so recognizing fails to appear according to the
 14 condition of his recognizance, he shall be defaulted, and
 15 the like proceeding shall be had as in case of other recogni-
 16 zances entered into before such court or magistrate; but if
 17 the offense is bailable he shall be committed to prison, and
 18 there detained until the day so appointed for his appearance
 19 before the court or magistrate.

C. S. p. 739, Sect. 4.

1 SECT. 5. If the person so recognized or committed ap-
 2 pears before the court or magistrate upon the day ordered,
 3 he shall be discharged unless he is demanded by some per-
 4 son authorized by the warrant of the executive to receive
 5 him, or unless the court or magistrate sees cause to commit

C. S. p. 739, Sect. 5.

778 PROCEEDINGS TO PREVENT CRIME. [CHAP. CIV.

6 him, or to require him to recognize anew, for his appear-
 7 ance at some other day, and if, when ordered, he shall not
 8 so recognize, he shall be committed and detained as before
 9 provided; whether the person so discharged is recognized,
 10 committed, or discharged, any person authorized by the
 11 warrant of the executive, may at all times, take him into
 12 custody, and the same is a discharge of the recognizance, if
 13 any, and shall not be deemed an escape.

c100

C. S. p. 739, Sect. 6.

1 SECT. 6. The complainant in such case shall be answer-
 2 able for the actual costs and charges, and for the support
 3 in prison, of any person so committed, and shall advance to
 4 the jailor one week's board, at the time of commitment, and
 5 so from week to week, so long as such person shall remain
 6 in jail, and if he fails so to do, the jailor may forthwith dis-
 7 charge such person from custody.

CHAPTER CIV.

PROCEEDINGS TO PREVENT THE COMMISSION OF
 CRIMES.

c101

C. S. p. 740, Sect. 1.
 Amended.

1 SECTION 1. The judges of the several courts of record,
 2 in vacation within their respective districts, as well as in
 3 open court, and all justices of the peace, within their res-
 4 pective counties, shall have power to cause all laws made
 5 for the preservation of the public peace to be kept, and in
 6 the execution of that power, may require persons to give
 7 security to keep the peace, or for their good behavior, or
 8 both, in the manner provided in this chapter.

C. S. p. 740, Sect. 2.

1 SECT. 2. Whenever complaint is made to any such
 2 magistrate that any person has threatened to commit an of-
 3 fense against the person or property of another, the magis-
 4 trate shall examine the complainant, and any witness who may
 5 be produced, on oath, and reduce such complaint to writ-
 6 ing, and cause the same to be subscribed by the com-
 7 plainant.

C. S. p. 740, Sect. 3.

1 SECT. 3. If upon examination, it appears that there is
 2 just cause to fear that any such offense may be committed,
 3 the magistrate shall issue a warrant under his hand, recit-
 4 ing the substance of the complaint, and requiring the officer
 5 to whom it is directed, forthwith to apprehend the pers on
 6 complained of, and bring him before such magistrate, or
 7 some other magistrate, or court, having jurisdiction of the
 8 cause.