

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

CHAPTER CII.

SEARCH WARRANTS.

SECTION

- 1. Search warrant may issue, when.
- 2. May be issued by magistrate upon complaint.
- 3. To whom directed and what to contain.

SECTION

- 4. Property seized under warrant, how kept and disposed of.

SECTION 1. When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal cases, that personal property has been stolen or embezzled, or obtained by false tokens or pretenses, and that the complainant believes that it is concealed in any particular house or place, the magistrate, if he is satisfied that there is reasonable cause for such belief, shall issue his warrant to search for such property.

Search warrant issued, when.

SEC. 2. Any such magistrate when satisfied that there is reasonable cause, may also upon like complaint made on oath, issue search warrants in the following cases, to wit:

May be issued by magistrate upon complaint in what cases.

First. To search for and seize any counterfeit or spurious coin, forged bank notes, and other forged instruments, or tools, machines, or materials, prepared or provided for making either of them;

Second. To search for and seize any books, pamphlets, ballads, printed papers, or other things containing obscene language, or obscene prints, pictures, figures, or descriptions, manifestly tending to corrupt the morals of youth, and intended to be sold, loaned, circulated, distributed or introduced into any family, school, or place of education;

Third. To search for and seize any gambling apparatus or implements used or kept, and to be used in gambling, in any gambling house, or in any building, apartment, or place, resorted to for the purpose of gambling.

SEC. 3. All such warrants shall be directed to the sheriff of the county, or his deputy, or to any constable of the county, commanding such officer to search the house or place where the stolen property or other things for which he is required to search, are believed to be concealed, which place and property or things to be searched for, shall be designated and described in the warrant, and to bring such stolen property, or other things, when found, and the person in whose possession the same are found, before the magistrate who issued the warrant, or before some other magistrate, or court, having cognizance of the case.

To whom directed and what to contain.

SEC. 4. When any officer, in the execution of a search warrant, finds any stolen or embezzled property, or seizes any other things for which search is allowed by this chapter, all the property and things so seized, shall be safely kept by the direction of the court or magistrate, so long as is necessary for the purpose of being produced as evidence on any trial, and as soon as may be afterward all such stolen and embezzled property shall be restored to the owner thereof, and all other things seized by virtue of such warrant, shall be destroyed, under the direction of the court or magistrate.

Property seized under warrant, how kept and disposed of.