

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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such disease to be stabled in such public barn, shall be guilty of a misdemeanor, and, upon conviction before any justice of the peace of any such offence, shall be punished by a fine of not more than one hundred dollars, nor less than twenty-five dollars. (1868, c. 59, § 1.)

*§ 14. Importation of Texas or Indian cattle prohibited. That it shall not be lawful for any one to bring into the state, or have in possession, any Texas, Cherokee, Indian, or any diseased cattle, except as hereinafter provided. (1869, c. 42, § 1.)

*§ 15. Exception as to cattle on hand—such cattle not to run at large. This act shall not apply to any Texas, Cherokee or Indian cattle, or other diseased cattle, now on hand within this state; but persons having such shall be compelled to keep them within the bounds of their own premises, or separate from other cattle; and any damage that may accrue from allowing such cattle to run at large, and thereby spreading disease among other cattle, shall be recovered from the owner or owners thereof, who shall be liable to all the pains and penalties, as provided in section four of this act. (*Id.* § 2.)

*§ 16. Such cattle may be driven through state, when. Nothing contained in this act shall be so construed as to prevent the transportation of such cattle through this state on railroads; or to prohibit the driving through any portion of this state such Texas or southern cattle as have been wintered at least one winter north of the northern boundary of the state of Missouri. (*Id.* § 3.)

*§ 17. Penalty—disposition thereof—liability for damages. Any person who shall violate the provisions of this act shall, for every such violation, forfeit and pay into the school fund of the county where the offence is committed, a sum not exceeding one thousand dollars, or to be fined and imprisoned in the county jail, at the discretion of the court, though such time of imprisonment shall not exceed six months; and such person or persons shall pay all damages that may accrue to any person by reason of such violation of this act. (*Id.* § 4.)

CHAPTER CII.

SEARCH-WARRANTS.

SECTION.

1. Search-warrant to issue, when.
2. May be issued by magistrate, upon complaint.
3. Direction and contents.

SECTION

4. Keeping and disposal of property seized under warrant.

§ 1. Search-warrant, when issued. 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 pretences, 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.

§ 2. Same—for counterfeit coin, bank-notes, etc—for obscene books—for gambling apparatus. 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:

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.

§ 3. *Same—to whom directed—contents.* 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.

§ 4. *Property seized, how kept and disposed of.* 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

1. See 1881 Sup't. p. 111.

CHAPTER CIII.

DEMANDING FUGITIVES FROM JUSTICE.

SECTION

- 1. Agent to demand fugitive, how appointed.
- 2. Demand from another state—proceedings—warrant of extradition.
- 3-6. Arrest of fugitive from another state—recog-

SECTION

- 7. Conveying prisoners of other states through this state.

§ 1. *Agents to demand fugitives—how appointed—expenses, how paid.* The governor may, in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any state or territory, any fugitive from justice, or any person charged with felony or any other crime, in this state; and whenever an application is made to the governor for that purpose, the attorney general, when required by the governor, shall forthwith investigate, or cause to be investigated by any county attorney, the grounds of such application, and report to the governor all material circum-