

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

IN FORCE

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WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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the laws of the state or of the United States, and also whether such demand is made according to law, so that such person ought to be delivered up; and if the governor is notified that such demand is conformable to law, and ought to be complied with, he shall issue his warrant, under the seal of the state, authorizing such person as he shall name therein, either forthwith or at the time designated by the warrant, to take and transport the person so demanded to the line of the state, at the expense of the state or territory in whose name such person may have been demanded, and to deliver over such person, at the line of the state, to the agent of the state or territory making such demand; and shall also, by such warrant, require the civil officers within this state to afford all needful assistance in the execution thereof: *provided, however*, that the governor, when issuing his warrant, shall deliver the same to the sheriff or some other public officer of any county in this state, and such officer, upon receipt of such warrant, shall have power to arrest and detain in his custody the person whose surrender is demanded; but no such person arrested upon such warrant shall be delivered to the agent designated therein, or to any other person, until the person so arrested, and whose surrender is demanded, shall be notified of the demand made for his surrender, and of the nature of the criminal charge made against him, and not until he has had an opportunity to apply for a writ of *habeas corpus*, if he claims such right, of the officer making the arrest. When such writ is applied for, notice thereof and of the time and place of the hearing thereon shall be given to the attorney general or other prosecuting officer of the judicial district in which the arrest is made. Any sheriff or other officer making such arrest, who shall deliver over to the agent named in such warrant, or to any other person, for extradition, the person so in his custody under such warrant, without having complied with the provisions of this act, shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the common jail of the county not exceeding six months, or be subject to both fine and imprisonment, at the discretion of the court. (*As amended* 1874, c. 15, § 1; 1879, c. 44, § 1.)

See, as to sufficiency of the papers, *State v. O'Connor*, 36 N. W. Rep. 462.

See *State v. Richardson*, 34 Minn. 115, 24 N. W. Rep. 354; *Hackney v. Welsh*, (Ind.) 8 N. E. Rep. 141; *In re Herres*, 33 Fed. Rep. 165.

§ 3. Arrest of fugitive from another state.

Where a peace-officer, without warrant, arrested a person on suspicion of having committed a crime in another state, detained him five days without taking him before a magistrate, there being nothing to prevent his doing so immediately, and then released him from custody, the detention was, as a matter of law, for an unreasonable time. *Cochran v. Toher*, 14 Minn. 385, (Gil. 293.)

CHAPTER 105.

ARRESTS.

§ 11. Arrest by officer without warrant—When allowed.

SUBD. 1. To authorize an arrest by a peace-officer without a warrant, for an offense not a felony, under this subdivision, it must be made at the time; that is, the officer must at once set about the arrest, and follow up the effort till it is made. Five hours having intervened during which the officer was not about anything connected with the arrest, the authority to arrest ceased. *Wahl v. Walton*, 30 Minn. 506, 16 N. W. Rep. 397.

See *State v. Cantieny*, 34 Minn. 1, 8, 24 N. W. Rep. 458; *Warner v. Grace*, 14 Minn. 487, (Gil. 364, 367.)