

GENERAL STATUTES

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 2.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOW IN FORCE AND NOT IN
VOL. 1, THE SAME BEING THE CODE OF CIVIL PROCEDURE AND ALL REME-
DIAL LAW, THE PROBATE CODE, THE PENAL CODE AND THE CRIM-
INAL PROCEDURE, THE CONSTITUTIONS AND ORGANIC ACTS.

COMPILED AND ANNOTATED

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CHAPTER 91 (G. S. ch. 105).

ARRESTS.

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SEC. 6590. **Defined.**— Arrest is the taking of a person into custody, that he may be held to answer for a public offence.

G. S. ch. 105, § 1.

SEC. 6591. **By whom.**— An arrest may be either:

- First. By a peace-officer, under a warrant;
- Second. By a peace-officer without a warrant;
- Third. By a private person.

G. S. ch. 105, § 2.

SEC. 6592. **When.**— If the offence charged is a felony, the arrest may be made on any day, and at any time of the day or night; if it is a misdemeanor, the arrest cannot be made on Sunday or at night, unless upon the direction of the magistrate indorsed upon the warrant.

G. S. ch. 105, § 4.

SEC. 6593. **How.**— An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer.

G. S. ch. 105, § 5.

SEC. 6594. **Unnecessary restraint forbidden.**— The defendant shall not be subjected to any more restraint than is necessary for his arrest and detention.

G. S. ch. 105, § 6.

SEC. 6595. **Show warrant.**— The officer shall inform the defendant that he acts under the authority of the warrant, and show the warrant if required.

G. S. ch. 105, § 7.

SEC. 6596. **Assist officer.**— Every person must aid an officer in the execution of a warrant, if the officer requires his aid, and is present and acting in its execution.

G. S. ch. 105, § 3.

SEC. 6597. **Use necessary means.**— If, after notice of intention to arrest the defendant, he either flees or forcibly resists, the officer may use all necessary means to effect the arrest.

G. S. ch. 105, § 8.

SEC. 6598. **Break door or window.**— 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 is refused admittance.

G. S. ch. 105, § 9.

SEC. 6599. **Same — To liberate himself or another.**— An officer may break open an inner or outer door or window of a dwelling-house, when necessary for his own liberation, or for the purpose of liberating a person who, having entered to make an arrest, is detained therein.

G. S. ch. 105, § 10.

ARREST BY AN OFFICER WITHOUT A WARRANT.

SEC. 6600. **When.**— A peace-officer may, without a warrant, arrest a person:

First. For a public offence committed or attempted in his presence;

Second. When a person arrested has committed a felony, although not in his presence;

Third. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;

Fourth. On a charge made, upon reasonable cause, of the commission of a felony by the party arrested.

G. S. ch. 105, § 11. 34 M. 8; 30 M. 506.

SEC. 6601. **Arrest at night.**— 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 appears that a felony has not been committed.

G. S. ch. 105, § 13.

SEC. 6602. **Disclose authority and cause.**— When arresting a person without a warrant, the officer shall 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.

G. S. ch. 105, § 14.

SEC. 6603. **Break door or window.**— 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 is refused admittance.

G. S. ch. 105, § 12.

SEC. 6604. **Take person arrested by bystander before magistrate.** 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.

G. S. ch. 105, § 15.

SEC. 6605. **Offence in presence of magistrate.**— 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.

G. S. ch. 105, § 16.

ARREST BY A PRIVATE PERSON.

SEC. 6606. **When.**— A private person may arrest another:

First. For a public offence committed or attempted in his presence;

Second. When a person arrested has committed a felony, although not in his presence;

Third. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

G. S. ch. 105, § 17.

SEC. 6607. **Disclose cause of arrest.**— He shall, 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.

G. S. ch. 105, § 18.

SEC. 6608. **Break door or window, when.**— If the person to be arrested had committed a felony, and a private person, after notice of his intention to make the arrest, is refused admittance, he may break open an outer or inner door or window of a dwelling-house, for the purpose of making the same.

G. S. ch. 105, § 19.

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[SECS. 6609-6611.]

SEC. 6609. Take party arrested to magistrate or officer.— A private person who has arrested another for the commission of a public offence, shall, without unnecessary delay, take him before a magistrate, or deliver him to a peace-officer.

G. S. ch. 105, § 20.

SEC. 6610. Escaping, may be retaken.— If a person arrested escapes or is rescued, the person from whose custody he has escaped, or was rescued, may immediately pursue and retake him, at any time and in any place in the state.

G. S. ch. 105, § 21.

SEC. 6611. Same — Break door or window, when.— To retake the person escaping or rescued, the person pursuing may, after notice of his intention, and refusal of admittance, break open an outer or inner door or window of a dwelling-house.

G. S. ch. 105, § 22.

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