

THE
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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REPORTER SYSTEM

COMPLETE IN TWO VOLUMES

VOL. 2

CONTAINING

Sections 4822 to 8054 of the General Statutes, and the General Index

ST. PAUL, MINN.
WEST PUBLISHING CO.

1894

CHAPTER 102.

SEARCH-WARRANTS.

§ 7080. 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.

(G. S. 1866, c. 102, § 1; G. S. 1878, c. 102, § 1.)

A complaint and warrant described the premises to be searched as "a certain building, the cellar under the same, and the out-buildings within the curtilage thereof situated," etc. Property was taken from the basement of a building situated on an adjoining lot, separated by a fence, but connected by a covered passage-way. Held, that the description did not cover such building, and the seizure was unlawful. *Commonwealth v. Intoxicating Liquors, etc.*, (Mass.) 3 N. E. Rep. 4; and see *Wright v. Dressel*, Id. 6. See *Jordan v. Henry*, 22 Minn. 245.

§ 7081. 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.

(G. S. 1866, c. 102, § 2; G. S. 1878, c. 102, § 2.)

§ 7082. 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.

(G. S. 1866, c. 102, § 3; G. S. 1878, c. 102, § 3.)

§ 7083. 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.

(G. S. 1866, c. 102, § 4; G. S. 1878, c. 102, § 4.)