

MINNESOTA STATUTES 1947 ANNOTATIONS

1501

INVESTIGATION AND APPREHENSION; RECORDS 626.32

CHAPTER 626

INVESTIGATION AND APPREHENSION; RECORDS

SEARCH WARRANTS

626.01 SEARCH WARRANTS; WHEN ISSUED.

A search warrant fair on its face protects the officer executing it, and those called by the officer to assist, even though the complaint upon which it issued is insufficient. The search may extend to a dwelling if included in the premises named in the warrant. *Ingraham v Booton*, 117 M 105, 134 NW 505; *McSherry v Heimer*, 132 M 260, 156 NW 130.

Sufficiency of affidavit for issuance of search warrant. 6 MLR 602.

Officer's perception by sense of smell of commission of crime as justifying arrest and search without a warrant. 15 MLR 359.

626.03 SEARCH WARRANTS; TO WHOM DIRECTED; CONTENTS.

Admissibility of property seized through illegal search. 7 MLR 152.

626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL.

The fact that articles offered in evidence in a criminal prosecution against the owner thereof were taken by officers of the law, without a search warrant, from the house where the accused had resided, but which he had abandoned when he fled to another state to avoid the consequences of the crime, does not render such articles inadmissible as evidence. *State v Ryan*, 156 M 186, 194 NW 396.

Where officer was admitted to house without objection, and shown the still, his evidence was admissible, even if he had no search warrant. *State v Silver*, 169 M 513, 211 NW 463.

Amended "tab charge" was sufficient to charge a public offense under the ordinance. Evidence obtained by search and seizure is admissible even though the search was unlawful. *State v Siporen*, 215 M 438, 10 NW(2d) 353.

A valid search and seizure having been made under state law and the municipal court of Duluth having obtained actual possession of liquor seized, the city had authority to prosecute defendant under the ordinance rather than under the state law, and conviction under the ordinance was a valid basis for an order of forfeiture thereunder, even though search warrant was obtained under state law. *City of Duluth v Cerveny*, 218 M 511, 16 NW(2d) 779.

Disposition of money found with seized gambling devices. 5 MLR 465.

Searches and seizures, evidence, self-incrimination, admissibility of property seized through illegal search. 7 MLR 152, 174.

Search and seizure. 13 MLR 1, 58.

L. 1929, c. 177, relating to disposition of money found in gambling devices. 14 MLR 69, 23 MLR 976.

Admissibility of evidence seized upon arrest for unrelated crime. 30 MLR 207.

BUREAU OF CRIMINAL APPREHENSION

626.32 BUREAU OF CRIMINAL APPREHENSION CREATED.

Scientific detection of crime. 17 MLR 602.

MINNESOTA STATUTES 1947 ANNOTATIONS

626.33 INVESTIGATION AND APPREHENSION; RECORDS

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626.33 SUPERINTENDENT; RULES AND REGULATIONS.

Liability of head of department; insurance against negligence of agents; right to pay premiums on public liability insurance. 1944 OAG 259, Feb. 4, 1944 (985-A).

Employers may exercise powers of arrest upon delegation of authority by the superintendent. 1944 OAG 260, March 18, 1944 (985).

Laws 1935, c. 197, increase in powers and duties and cooperation with local peace officers. 20 MLR 76.

626.34 EMPLOYEES; CIVIL SERVICE; COMPENSATION.

A judge of municipal court organized since March 1, 1906, is not required to report to the superintendent of the bureau of criminal apprehension. Municipal courts organized prior to passage of the revised laws are governed by the laws under which they were created. 1942 OAG 26, March 10, 1942 (985-F).

Relating to reports by municipal court judges and clerks of the municipal court. 1942 OAG 26, March 10, 1942 (985-F).

There is no statute requiring employees to carry public liability insurance. Employees compensation is under civil service regulations. See discussion as to liability of state and of employees and right of department to purchase insurance. 1944 OAG 259, Feb. 4, 1944 (985-A).

626.365 RESTORATION OR DISPOSAL OF STOLEN PROPERTY.

Laws 1941, c. 389, relates to the disposition of property held by the bureau not claimed by any person or county. Title passes to the state and credited to general revenue fund. OAG March 24, 1942 (356).

626.55 PENALTY.

Laws 1939, c. 64, is the interstate crime commission's uniform act on fresh pursuit, which provides that an officer of another state who enters this state, and continues within this state, in fresh pursuit of a person to arrest him on the ground that he is believed to have committed a felony in the other state, shall have the same authority to arrest and hold such person in custody, as an officer of this state would have if the felony were believed to have been committed here. Such rights are confined to reciprocating states. Nearly all the states have adopted the act. 21 MLR 371; 24 MLR 246; 31 MLR 699.

BROADCASTING

626.56 RADIO BROADCASTING STATIONS MAY BE INSTALLED.

Right of radio commission to re-allocate broadcast frequencies. 18 MLR 209, 233.