

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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10440. Injury to buildings—Every person who shall in any manner wilfully damage any building or part thereof, throw any stone or other missile at or break any window therein, or who shall aid, counsel, hire, or procure any person so to do, shall be guilty of a misdemeanor. (5149) [8952]

10441. Injury to baggage—Every person employed by a railway or other corporation, every express agent,

stage driver, drayman, hackman, or other person who shall handle, remove, or take care of trunks, valises, boxes, packages, or other baggage, who, while handling, loading, transporting, unloading, delivering, or storing the same, shall wilfully, wantonly, or carelessly break, injure, or destroy the same, or any part thereof, shall be guilty of a misdemeanor. (5150) [8953]

CHAPTER 102

CRUELTY TO ANIMALS

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10442. Definitions—The word "animal" shall include every living creature except the human race; the word "torture" or "cruelty," every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted. The term "impure and unwholesome milk" shall include all milk obtained from animals in a diseased or unhealthy condition, or fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or fermentation. (5151) [8954]

10443. Overworking animals, etc.—Every person who shall—

1. Overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work the same when unfit for labor, whether belonging to himself or another;

2. Deprive of necessary food, water, or shelter any animal of which he has charge or control;

3. Keep cows or other animals in any inclosure without wholesome exercise and change of air;

4. Feed cows on food which produces impure or unwholesome milk;

5. Abandon any maimed, sick, infirm, or disabled animal to die in any public place;

6. Allow any such animal to lie in the street, road, or other public place for more than three hours after notice; or

7. Wilfully set on foot, instigate, or in any way further any act of cruelty to animals, or any act tending to produce such cruelty—

Shall be guilty of a misdemeanor. (5152) [8955]
22-271.

10444. Cruelty in transportation—Every person who shall carry, or cause to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which such animals can both stand and lie down during transportation, and while awaiting slaughter; every person who shall carry or cause to be carried upon a vehicle or otherwise any live animal having feet or legs tied together, or in any other cruel or inhuman manner; and every person or corporation engaged in transporting live stock who shall detain the same in cars or compartments for more than twenty-eight consecutive hours without unloading the same in a humane man-

ner, into properly equipped pens for rest, water and feeding for a period of at least five consecutive hours, unless requested to do so as hereinafter provided, or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight, or shall permit the same to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other shall be guilty of a misdemeanor; Provided, that upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six consecutive hours. (R. L. '05 § 5153, G. S. '13 § 8956, amended '21 c. 186 § 1)

10445. Docking horses—Every person who shall cut the bony part of a horse's tail for the purpose of docking it, or cause or knowingly permit the same to be done upon premises of which he is owner, lessee, or user, or who shall assist in such cutting, shall be punished by imprisonment in the county jail for not less than thirty nor more than ninety days, or by a fine of not less than twenty-five dollars nor more than one hundred dollars. Whenever a horse shall be found so cut, and the wound resulting unhealed, upon the premises or in the custody of any person, such fact shall constitute prima facie evidence that the offence was committed by him. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals, for any offence specified in this section, shall be paid to the society whose officer or agent made the complaint. (5154) [8957]

10446. Clipped horses, etc.—Every person having the custody of any animal which shall have had its hair removed by clipping or shearing, who, within sixty days after such clipping or shearing, and between November 1 and May 1, shall cause or permit such animal to stand on a road, street, or other unsheltered place, without being blanketed, shall be guilty of a misdemeanor. (5155) [8958]

10447. Injury to birds—Every person who shall in any manner wantonly maim, kill, or destroy any brown thrush, bluebird, martin, swallow, wren, catbird, robin, peewee, meadow lark, or other insect-devouring bird of any kind or name whatsoever, or who shall wantonly destroy the nests or eggs of any such bird, shall be guilty of a misdemeanor, and punished by a fine of not less than one dollar nor more than fifteen dollars. (5153) [8959]

10448. Poisoning animals—Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits the same to be done, or unjustifiably exposes any such

drug or substance with intent that the same shall be taken by any animal, whether such animal be the property of himself or another, is punishable by imprisonment in the state prison not exceeding two years or in a county jail not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. (Pen. Code § 496, amended '89 c. 209 § 51; '05 c. 53 § 1) [8960]

10449. Cock-fights—Dog-fights, etc.—Every person who shall engage in, be employed at, aid, or abet cock-fighting, dog-fighting, bear-baiting, pitting one animal against another of the same or a different kind, or any other similar cruelty to animals; or who shall receive money for the admission of any person to any place used, or about to be used, for any such purpose, or shall wilfully permit any one to enter or use for any such purpose premises of which he is the owner, agent, or occupant; and every person who shall use, train, or possess a dog or other animal for the purpose of seizing, detaining, or maltreating any domestic animal—shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by fine of not less than five dollars nor more than one hundred dollars. Every person who shall knowingly purchase a ticket of admission to any such place, be present at or witness such spectacle, shall be deemed an aider and abettor. (5158) [8961]

10450. Animal with infectious disease—Every owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, or to have recently been exposed thereto, who shall sell

or barter the same, or knowingly permit such animal to run at large or come into contact with any other animal, or with another person without his knowledge and permission, shall be punished by imprisonment in the county jail for not more than thirty days, or by fine of not less than twenty dollars nor more than one hundred dollars. (5159) [8962]
70-282, 286, 73+163.

10451. Exposure of animals—Duty of officers—Any sheriff, constable, village marshal, police officer or any agent of the Minnesota or other societies for the prevention of cruelty, may remove, shelter, and care for any horse or other animal found exposed to the weather and not properly blanketed, or remaining more than one hour without attention in cold or inclement weather, or not properly fed and watered, or provided with suitable food and drink, and when necessary, may deliver such animal to another person to be so sheltered and cared for, and furnished with suitable food and drink; but in all cases the owner, if known, shall be immediately notified, and such officer, or the person having possession of the animal, shall have a lien thereon for its care and keeping and the reasonable value of the food and drink furnished and the expenses of such notice. If the owner or custodian be unknown, and cannot by reasonable effort be ascertained, or shall not, within five days after notice redeem such animal by paying the expenses incurred as aforesaid, it may be treated as an estray, and be dealt with as such. (R. L. § 5160, amended '07 c. 398 § 1) [8963]

CHAPTER 103

MISCELLANEOUS CRIMES

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1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



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Distinction between guests, lodgers, and tenants as affecting offense of coercion. 22MinnLawRev1055.

10432. Injury to other property.

Cause of action, for damages arising out of breach of statute intended for benefit of plaintiff, against local brokerage association and one copartnership, held properly joined with action against second copartnership on its undertaking to account to plaintiff for stocks and moneys delivered by plaintiff to association in part payment of bucketed orders and delivered to second copartnership, on transfer of association's account from first copartnership, and received by second copartnership with full knowledge of the bucketing activities of association. Kaiser v. E., 200M545, 274NW680. See Dun. Dig. 3941.

Person hiring young man to put emery dust and waste in oil tank of automobile, resulting in damage, may be prosecuted under this section. Op. Atty. Gen., Mar. 4, 1933.

Throwing thistle seeds on neighbor's farm constitutes violation of this section. Op. Atty. Gen. (605a-18), Aug. 26, 1935.

Where aeroplane was taken without owner's consent and was wrecked when forced landing was made, no prosecution could be had for willful destruction of plane. Op. Atty. Gen. (494b-20), Aug. 23, 1937.

Injury to a fish screen erected on a dam with consent of county board by sportsmen organizations would constitute a violation of this statute. Op. Atty. Gen. (494a), June 1, 1938.

10433. Interfering with electrical apparatus.

Section is without application to action for death of house mover attempting to get house under wires. Fari-bault v. N., 183M514, 247NW630.

This statute was directed against a wilful or malicious tampering or interference, and in this respect term "wilful" denotes an evil or malice. Ekdahl v. M., 203M374, 281NW517. See Dun. Dig. 2410.

Boy fifteen years of age removing hasp on cable holding mast upon which was suspended street light, through mere curiosity was not guilty of negligence as a matter of law or of violation of this section. Id. See Dun. Dig. 2996.

A boy who ran to aid of another boy who had disconnected cable supporting street lamp following his cry for help was not guilty of contributory negligence where his object in touching cable was only for purpose of saving defendant's property from injury. Schorr v. M., 203M384, 281NW523. See Dun. Dig. 7025.

10437. Draining meandered lakes, etc.

Owner of private lake cannot construct and maintain a channel to a public lake if it injuriously affects the public lake. Op. Atty. Gen., Sept. 26, 1929.

This section was not repealed by §6602-68. Op. Atty. Gen. (273c-1), July 29, 1938.

Unauthorized drainage of meandered lakes is a violation of §10437 and may be subject of inquiry on order of commissioner under §6602-51, et seq. Id.

10441-1. Willful trespass a misdemeanor.—Every person who has no right of possession and who refuses to depart from and surrender possession of property when ordered to do so by the owner thereof and who thereafter wilfully continues to trespass upon said property shall be guilty of a misdemeanor, provided, however, that this Act shall not apply in any case where immediately prior thereto there existed between the owner and the person in possession the relationship of landlord and tenant, vendor and vendee, or mortgagor and mortgagee or their respective successors or assigns. (Act Apr. 21, 1939, c. 377.)

CHAPTER 102

Cruelty to Animals

10443. Overworking animals, etc.

Evidence held sufficient to support finding that horse's death resulted from starvation. State v. Maguire, 188M 627, 248NW216. See Dun. Dig. 279.

One in possession of horse under claim of lien is guilty if he permits it to starve to death. Id.

10444. Cruelty in transportation.

Prosecution must be for violation of statute and not "regulations" issued thereunder. Op. Atty. Gen. (293b-19), July 8, 1937.

10448. Poisoning animals.

Section is constitutional. State v. Eich, 204M134, 282 NW810.

Information charging that defendant unjustifiably exposed poison with intent that it should be taken by a dog held sufficiently definite to state an offense. Id. See Dun. Dig. 279.

One placing meat containing strychnine in a shed on his property for purpose of killing rats is not chargeable with death of a dog under this section, intent being necessary. Op. Atty. Gen. (494a-2), July 29, 1938.

10450. Animal with infectious disease.

Seller of infected hogs, held not entitled to directed verdict for price. 180M78, 230NW259.

CHAPTER 103

Miscellaneous Crimes

10453 to 10455-3. [Repealed.]

Repealed Mar. 19, 1937, c. 74, §25, post, §10455-28.

UNIFORM NARCOTIC DRUG ACT

This act was adopted by Alaska, Arizona, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wisconsin and Wyoming.

10455-4. Definitions.—The following words and phrases, as used in this act shall have the following meanings, unless the context otherwise requires:

(1) "Persons" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and for the purposes of this act only, any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.