

CHAPTER 87.

[S. F. No. 226.]

Penal Code,
amending Sec.
231.

AN ACT TO AMEND SECTION TWO HUNDRED AND THIRTY-ONE (231) OF AN ACT OF THE STATE LEGISLATURE, APPROVED MARCH NINTH (9TH), A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ENTITLED "AN ACT TO ESTABLISH A PENAL CODE," SAID SECTION RELATING TO PUBLIC TRAFFIC ON THE SABBATH DAY AND THE PENALTY FOR SABBATH-BREAKING.

Be it enacted by the Legislature of the State of Minnesota:

Sabbath-break-
ing punishable
by fine or im-
prisonment.

SECTION 1. Section two hundred and thirty-one (231) of said act is amended by striking from the last line of said section the words "or by both."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

CHAPTER 88.

[S. F. No. 170.]

Penal Code,
amending Sec.
235.

AN ACT TO AMEND SECTION TWO HUNDRED AND THIRTY-FIVE (235) OF THE PENAL CODE OF THE STATE OF MINNESOTA, RELATING TO THE CRIME OF RAPE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two hundred and thirty-five (235) of the Penal Code of the State of Minnesota, relating to the crime of rape, be amended so as to read as follows:

Definition of
rape.

"Sec. 235. *Rape Defined.*—Rape is an act of sexual intercourse with a female not the wife of the perpetrator, committed against her will or without her consent. A person perpetrating such an act of sexual intercourse with a female of the age of fourteen (14) years or upwards, not his wife—

"*First*—When through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent; or

"*Second*—When her resistance is forcibly overcome; or

"*Third*—When her resistance is prevented by fear of immediate and great bodily harm which she has reasonable cause to believe will be inflicted upon her; or

"*Fourth*—When her resistance is prevented by stupor or by weakness of mind produced by an intoxicating, narcotic or anæsthetic agent administered by or with the privity of the defendant; or

"*Fifth*—When she is at the time unconscious of the nature of the act, and this is known to the defendant—
Is punishable by imprisonment in the state prison for not less than five (5) nor more than thirty (30) years."

SEC. 2. This act shall take effect and be in force from and after its passage; *Provided*, That the provisions of this act shall not apply to any offenses committed before this act takes effect, and as to all such offenses the law in force at the time such offenses were committed shall continue and be in force the same as if this act had not been passed.

Approved April 17, 1891.

CHAPTER 89.

[S. F. No. 171.]

AN ACT TO AMEND SECTION TWO HUNDRED AND FORTY-FIVE (245) OF THE PENAL CODE OF THE STATE OF MINNESOTA, RELATING TO INDECENT ASSAULTS UPON FEMALE PERSONS.

Penal Code,
amending Sec.
245.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two hundred and forty-five (245) of the Penal Code of the State of Minnesota, relating to indecent assaults upon female persons, be amended so as to read as follows, to-wit:

"Sec. 245. *Indecent Assault*.—A person who takes any indecent liberties with or on the person of any female, not a public prostitute, without her consent expressly given, and which acts do not in law amount to a rape, an attempt to commit a rape, or an assault with intent to commit a rape, or any person who takes such indecent liberties with or on the person of any female child under the age of fourteen (14) years, without regard to whether she consents to the same or not, is guilty of a felony."

Indecent as-
saults upon
children under
fourteen years
a felony.

SEC. 2. This act shall take effect and be in force from and after its passage; *Provided*, That the provisions of this act shall not apply to any offenses committed before this act takes effect; but as to all such offenses the law in force at the time such offenses were committed shall continue and be in force the same as if this act had not been passed.

Approved April 17, 1891.