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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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share of a ticket, or for any such writing, certificate, bill, token, or other device, purporting that the owner, bearer, or holder thereof shall be entitled to receive any prize, or any share of such prize, or any other thing of value, that may be drawn in any lottery, knowing the same to be false or fictitious, shall for every such offence be punished by imprisonment in the territorial prison not exceeding two years, nor less than six months.

Defendant to prove genuineness of tickets, &c.

SEC. 6. Upon a trial of an indictment for either of the offences mentioned in the preceding section, any ticket or share of a ticket, or any other writing or thing before mentioned which the defendant shall have sold or offered for sale, or for which he shall have received any valuable consideration, shall be deemed to be false, spurious or fictitious unless such defendant shall prove the same to be true and genuine, and to have been duly issued by the authority of some legislature within the United States, and that such lottery was existing and undrawn, and that such ticket or share thereof, or other writing or thing before mentioned, was issued by lawful authority and binding upon the persons who issued the same.

Prizes forfeited to the territory.

SEC. 7. All sums of money, and every other valuable thing drawn as a prize or share of a prize in any lottery by any person being an inhabitant or resident within this territory, and all sums of money and other things of value received by such person by reason of his being the owner or holder of any ticket or share of a ticket, in any lottery or pretended lottery, contrary to the provisions of this chapter, shall be forfeited to the use of the territory and may be recovered by an information to be filed, or by a civil action, to be brought by the attorney general or any district attorney in the name and on behalf of the said territory.

CHAPTER 106.

OF GAMING.

SECTION

1. All gaming tables prohibited.
2. Gaming how punished.
3. Person betting how liable.
4. Person suffering gaming device to be set up how liable.
5. Who not excused from testifying, &c.

SECTION

6. Jurisdiction of justices under this chapter.
7. Duties of district attorney.
8. Money lost by gaming may be recovered in a civil action.
9. Judgment how rendered in such cases.
10. Notes, &c., for money won, &c., void.

All gaming tables prohibited.

SEC. 1. All E. O. or rolette tables, faro, or pharo banks, and all gaming with cards, gaming tables or gambling devices whatever, are hereby prohibited from being set up or used for gaming or gambling, purposes in this territory.

Gaming how punished.

SEC. 2. Every person who shall deal cards at the game called faro, pharo, or forty eight, whether the same shall be dealt with fifty two, or any other number of cards, and every person who shall keep to be used in gaming any gambling device whatever, designed to be used

in gaming, shall forfeit and be punished by fine not exceeding one hundred nor less than fifty dollars.

SEC. 3. Every person who shall bet any money, or other property, at or upon any gaming table, game or device prohibited by this chapter shall be punished by fine not exceeding twenty, nor less than five dollars.

Person betting how liable.

SEC. 4. Every person who shall suffer any gaming table, bank, or gambling device prohibited in this chapter to be set up or used for the purpose of gaming, in any house, building, steamboat, raft, keelboat or boom, lot, yard or garden to him belonging, or by him occupied, or of which he has the control, shall forfeit and be punished by fine, not exceeding one hundred, nor less than seventy-five dollars.

Person suffering gaming device to be set up how liable.

SEC. 5. No person shall be incapacitated or excused from testifying touching any offence committed by another against any of the provisions of this chapter, relating to gaming, by reason of his having bet or played at the prohibited games or gaming devices; but the testimony which may be given by such person shall in no case be used against such witness.

Who not excused from testifying, &c.

SEC. 6. All fines and forfeitures mentioned in this chapter may be recovered before any justice of the peace, in, and in the name of, and for the use of the county where such offence may have been committed.

Jurisdiction of Justices under this chapter.

SEC. 7. It shall be the duty of the district attorney, upon notice of the commencement of a suit under any of the provisions of this chapter, to immediately prosecute the same, in the name of, and for the use of their respective counties.

Duties of district attorney.

OF THE RECOVERY OF MONEY OR GOODS LOST BY GAMING.

SEC. 8. If any person shall, by playing at cards, dice, or other game or by betting on the hands or sides of such as are gaming, lose to any person so playing or betting any sum of money or any goods whatever, and shall pay or deliver the same or any part thereof to the winner, the person so losing and paying or delivering the same, may sue for and recover such money by a civil action, before any court having competent jurisdiction.

Money lost by gaming may be recovered in a civil action.

SEC. 9. In any suit to be brought as provided in the preceding section, by the person so losing any such money or goods, against the person winning the same, when it shall appear from the complaint that the said money or goods came to the hands of the defendant by gaming, if the plaintiff when required by the court before whom the cause is tried, shall make oath that the said money or goods were lost by gaming with the defendant, as alleged in the complaint, judgment shall be rendered that the plaintiff recover damages to the amount of the said money or goods, unless the defendant will make oath that he did not obtain the same, or any part thereof by gaming; and if he shall so discharge himself on oath, he shall recover of the plaintiff his costs; *Provided*, That the plaintiff may, at his election, maintain and prosecute his action according to the usual course of proceedings in civil actions.

Judgment how rendered in such cases.

SEC. 10. All notes, bills, bonds, mortgages, or other securities or conveyances whatever, in which the whole or any part of the consideration shall be for any money or goods won by gaming or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any persons gaming, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gaming or betting, or lent and advanced for any gaming or betting to any person so gaming or betting, shall be void, and of no effect, as between the parties to the same, and as to all persons except such as shall hold or claim under them in good faith, and without notice of the illegality of

Notes, &c., for money won, &c., void.

the consideration of such contract or conveyance; and whenever any mortgage or other conveyance of lands shall be adjudged void under the provisions of this section, such lands enure to the sole use and benefit of such person as would be then entitled thereto if the mortgagor or grantor were dead; and all grants or conveyances for preventing such lands from coming to and devolving upon the person to whose use and benefit the said lands would so enure, shall be deemed fraudulent and of no effect.

CHAPTER 107.

OF OFFENCES AGAINST CHASTITY, MORALITY, AND DECENCY.

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SECTION

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22. Powers of justices of the peace under this chapter.

Adultery how punished.

SEC. 1. Every person who shall commit the crime of adultery, shall be punished by imprisonment in the territorial prison, not more than two years, or by fine not exceeding three hundred dollars, nor less than seventy dollars; and when the crime is committed between a married woman and a man who is unmarried, the man shall be deemed guilty of adultery, and be liable to the same punishment. But no prosecution for adultery shall be commenced, except on the complaint of the husband or the wife, and no such prosecution shall be commenced after one year from the time of committing the offence.

Polygamy how punished.

SEC. 2. If any person who has a former husband or wife living, shall marry another person, or shall continue to cohabit with such second husband or wife, he or she shall, except in the cases mentioned in the third section, be deemed guilty of the crime of polygamy, and shall be punished by imprisonment in the territorial prison, not more than four years, nor less than two years, or by fine not exceeding five hundred dollars, nor less than three hundred dollars.

Excepted cases.

SEC. 3. The provisions of the preceding section shall not extend to any person, whose husband or wife shall have been continually remaining beyond sea, or shall have voluntarily withdrawn from the other, and remained absent for the space of seven years together, the party marrying again, not knowing the other to be living within that time; nor to