

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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any woods or prairie adjoining his or her own farm or enclosure, for the necessary protection thereof from accident by fire, by giving to his or her neighbors one day's notice of such intention: *provided further*, that in case the neighbors come together and participate in the burning of any wood, prairies or grounds, the notice specified in this section shall not be necessary or given: *provided, also*, that this section shall not be construed to take away any civil remedy, which any person may be entitled to for any injury which may be done or received in consequence of such firing.

Penalty; manner of recovery;

(51.) SEC. II. The penalties provided in the foregoing section shall be recovered by action of debt, before any justice of the peace in the county where such offense shall have been committed, upon complaint of any legal voter residing in the county where such offense has been committed.

Prosecution by persons knowing to the offense.

(52.) SEC. III. It shall be the duty of any person who shall have any knowledge of such offense, or of any legal voter of the county in which such offense has been committed, to prosecute such offender in the name of the state of Minnesota, and all fines and penalties so recovered, shall be applied to the use and support of the public schools in the township in which such offense shall have been committed.

Conflicting acts repealed.

(53.) SEC. IV. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act take effect when.

(54.) SEC. V. This act shall take effect from and after its passage.

CHAPTER 91.

FORGERY AND COUNTERFEITING.

SECTION

1. Forgery of records, deeds, contracts, &c.
2. Uttering forged records or contracts.
3. Forging notes, &c., issued by officer.
4. Forging bank notes, &c.
5. Having counterfeit bills with intent to pass them.
6. Passing counterfeit bills, &c.
7. Making or having tools, &c., for counterfeiting with intent, &c.
8. Testimony of president, &c., of banks when dispensed with.

SECTION

9. Sworn certificate of certain officers made evidence.
10. Fraudulent connecting parts of instruments.
11. Affixing fictitious signatures.
12. Intent to defraud statement and proof.
13. Counterfeiting coin or having ten pieces in possession.
14. Having less than ten pieces in possession.
15. Making tools, &c., for coining, &c.
16. Punishment on conviction of second offense.

[Chapter 102, Revised Statutes.]

Forgery of records, deeds, contracts, &c.

(1.) SEC. I. Every person who shall falsely make, alter, forge, or counterfeit any public record, or any certificate, return, or attestation of any clerk of a court, register, notary public, justice of the peace, or any other public officer, in relation to any matter wherein such certificate, return, or attestation may be received as legal proof, or any charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, or any order, acquittance, or discharge for money or other property, or any acceptance of a bill of exchange, indorsement, or assignment of a bill of exchange

or promissory note, or any accountable receipt for money, goods or other property, with intent to injure or defraud any person, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than two years, or by imprisonment in the county jail, not more than two years, nor less than one year.

(2.) SEC. II. Every person who shall utter and publish as true, any false, forged, or altered record, deed, instrument, or other writing mentioned in the next preceding section, knowing the same to be false, forged, or altered, with intent to injure or defraud as aforesaid, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than one year.

Uttering forged records or contracts.

(3.) SEC. III. Every person who shall falsely make, alter, forge, or counterfeit any note, certificate, or other bill of credit issued by any commissioner or other officer authorized to issue the same for any debt of this territory, with intent to injure or defraud as aforesaid, shall be punished by imprisonment in the territorial prison, not more than seven years, nor less than three years.

Forging notes, &c., issued by officer.

(4.) SEC. IV. Every person who shall make, alter, forge, or counterfeit any bank bill, promissory note, draft, or other evidence of debt issued by any corporation or company duly authorized for that purpose, by the laws of the United States, of any state of the United States, or of this territory, or of any territory of the United States, or of any other state, government, or country, with intent to injure or defraud, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than one year.

Forging bank notes, &c.

(5.) SEC. V. Every person who shall have in his possession any forged, counterfeit, or altered bank bill, promissory note, draft, or other evidence of debt issued or purporting to have been issued as is mentioned in the next preceding section, with intent to utter the same as true or false, knowing the same to be so forged, counterfeited, or altered as aforesaid, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than one year.

Having counterfeit bills, &c., with intent to pass them.

(6.) SEC. VI. Every person who shall utter or pass, or tender in payment as true, any false, altered, forged, or counterfeit note, certificate, or bill of credit for any debt of this territory, or bank bill, promissory note, draft, or other evidence of debt, issued or purporting to have been issued as is mentioned in the fourth section of this chapter, knowing the same to be false, altered, forged, or counterfeit, with intent to injure or defraud, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than one year.

Passing counterfeit bills, &c.

(7.) SEC. VII. Every person who shall engrave, make or mend, or begin to engrave, make or mend any plate, block, press, or other tool, instrument, or implement, or shall make or provide any paper or other materials adapted and designed for the forging or making any false and counterfeit note, certificate, or other bill of credit in the similitude of the notes, certificates, or bills of credit issued by lawful authority for any debt of this territory, or any false counterfeit note, or bill in the similitude of the notes or bills issued by any bank or banking company established in this territory, or within the United States, or any territory thereof, or within any other government or country, and every person who shall have in his possession any such plate or block engraved in any part, or any press or other tool, instrument or implement, paper or other material adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used in forging or making any such false and forged certificates, bills, or notes, shall be punished by imprisonment in the territorial prison not more than five years, nor less than one year.

Making or having tools, &c., for counterfeiting with intent, &c.

Testimony of president, &c., of banks when dispensed with.

(8.) SEC. VIII. In all prosecutions for forging or counterfeiting any notes, or bills of the banks before mentioned, or for uttering, publishing, or tendering in payment as true, any forged or counterfeit bank bills or notes, or for being possessed thereof with the intent to utter and pass them as true, the testimony of the president and cashier of such banks may be dispensed with, if their place of residence shall be out of this territory, or more than forty miles from the place of trial; and the testimony of any person acquainted with the signature of the president or cashier of such banks, or who has knowledge of the difference in the appearance of the true and counterfeit bills or notes thereof, may be admitted to prove that any such bills or notes are counterfeit.

Sworn certificate of certain officers made evidence.

(9.) SEC. IX. In all prosecutions for forging or counterfeiting any note, certificate, bill of credit, or security issued on behalf of the United States, or on behalf of any state or territory, or for uttering, publishing, or tendering in payment as true, any such forged or counterfeit note, certificate, bill of credit, or security, or for being possessed thereof with intent to utter and pass the same as true, the certificate under oath of the secretary of the treasury, or of the treasurer of the United States, or of the secretary or treasurer of any state or territory on whose behalf such note, certificate, bill of credit, or security purports to have been issued, shall be admitted as evidence for the purpose of proving the same to be forged or counterfeit.

Fraudulent connecting parts of instruments.

(10.) SEC. X. If any person shall fraudulently connect together different parts of several bank notes, or other genuine instruments, in such manner as to produce an additional note or instrument, with intent to pass all of them as genuine, the same shall be deemed a forgery in like manner as if each of them had been falsely made or forged.

Affixing fictitious signatures.

(11.) SEC. XI. If any fictitious or pretended signature, purporting to be the signature of an officer or agent of any corporation, shall be fraudulently affixed to any instrument or writing, purporting to be a note, draft, or other evidence of debt issued by such corporation, with intent to pass the same as true, it shall be deemed a forgery, though no such person may ever have been an officer or agent of such corporation, nor such corporation ever have existed.

Intent to defraud statement and proof.

(12.) SEC. XII. In any case where the intent to defraud is necessary to constitute the offense of forgery, or any other offense that may be prosecuted, it shall be sufficient to allege in the indictment an intent to defraud, without naming therein the particular person or body corporate intended to be defrauded; and on the trial of such indictment, it shall be sufficient, and shall not be deemed a variance if there appear to be an intent to defraud the United States, or any state, territory, county, city, town, or village, or any body corporate, or any public officer in his official capacity, or any copartnership or member thereof, or any particular person.

Counterfeiting coin or having ten pieces in possession.

(13.) SEC. XIII. Every person who shall counterfeit any gold or silver coin, current by law or usage within this territory, and every person who shall have in his possession, at the same time, ten or more pieces of false money or coin, counterfeited in the similitude of any gold or silver coin current as aforesaid, knowing the same to be false and counterfeited, and with intent to utter or pass the same as true, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than one year.

Having less than ten pieces in possession.

(14.) SEC. XIV. Every person who shall have in his possession, any number of pieces less than ten of the counterfeit coin mentioned in the next preceding section, knowing the same to be counterfeit, with intent to utter or pass the same as true, and any person who shall utter, pass, or tender in payment as true, any such counterfeit coin, knowing the same to

be false and counterfeit, with intent to injure or defraud, shall be punished by imprisonment in the territorial prison, not more than three years, nor less than one year.

(15.) SEC. XV. Every person who shall cast, stamp, engrave, make or mend, or shall knowingly have in his possession any mould, pattern, die, puncheon, engine, press, or other tool or instrument, adapted and designed for coining or making any counterfeit coin in the similitude of any gold or silver coin, current by law or usage in this territory, with intent to use the same, or cause or permit the same to be used or employed in coining or making any such false and counterfeit coin as aforesaid, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than two years. Making tools, &c., for coining, &c.

(16.) SEC. XVI. Any person who may be convicted of a second offense, shall be punished by imprisonment not exceeding twice the term mentioned in the section under which he may be indicted and tried. Punishment on conviction of second offense.

CHAPTER 92.

OFFENSES AGAINST PUBLIC JUSTICE.

SECTION

1. Perjury, punishment of.
2. What deemed perjury.
3. Subornation of perjury.
4. Inciting person to commit perjury.
5. Proceeding when perjury suspected by the court.
6. Copies of papers, &c., may be taken.
7. Giving or offering bribes to officers.
8. Accepting bribes by officers.
9. Corrupting jurors, &c.
10. Accepting bribes by jurors, &c.
11. Attempts to aid escapes from prison, &c.

SECTION

12. Aiding an escape from officers.
13. Suffering a voluntary escape from prison.
14. Suffering negligent escape and refusing to receive prisoner.
15. Refusing to arrest, and suffering escape.
16. Refusing to aid officer.
17. Refusing to aid justices.
18. Falsely assuming to be justice or officer.
19. Disguising, to obstruct execution of the law.
20. Concealing and compounding offenses.
21. Officers taking rewards for omitting duty.

[Chapter 103, Revised Statutes.]

(1.) SEC. I. Every person being lawfully required to depose the truth in any proceedings in a court of justice, who shall commit perjury, shall be punished if such perjury was committed on the trial of an indictment for a capital crime, by imprisonment in the territorial prison, not more than fifteen years, nor less than three years, and if committed in any other case, by imprisonment in the territorial prison, not more than five years, nor less than two years. Perjury, punishment of.

(2.) SEC. II. If any person of whom an oath shall be required by law, shall willfully swear falsely in regard to any matter or thing, respecting which such oath is required, such person shall be deemed guilty of perjury. What deemed perjury.

(3.) SEC. III. Every person who shall be guilty of subornation of perjury, by procuring another person to commit the crime of perjury, as aforesaid, shall be punished in the same manner as for the crime of perjury. Subornation of perjury.