

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
MOSES SHERBURNE and WILLIAM HOLLINSHEAD, Esqrs.,
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CHAPTER 93.

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SECTION.

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[Chapter 104, Revised Statutes.]

(1.) SEC. I. If any persons, to the number of twelve or more, any of whom being armed with any dangerous weapons; or if any persons to the number of thirty or more, whether armed or not, shall be unlawfully, riotously, or tumultuously assembled in any city, town, or county, it shall be the duty of the mayor and each of the aldermen of such city, and of the president and each of the trustees of such town, and of every justice of the peace living in such city or town, and of the sheriff of the county and his deputies, and also of every constable and coroner living in such city or town, to go among the persons so assembled, or as near them as may be with safety, and in the name of the United States to command all the persons so assembled, immediately and peaceably to disperse; and if the persons so assembled shall not thereupon immediately and peaceably disperse, it shall be the duty of each of the magistrates and officers to command the assistance of all persons there present, in seizing, arresting, and securing in custody, the persons so unlawfully assembled, so that they may be proceeded with according to law.

Unlawful assemblies how suppressed.

(2.) SEC. II. If any person present, being commanded by any of the magistrates or officers mentioned in the preceding section, to aid or assist in seizing and securing such rioters or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, shall refuse or neglect to obey such command, he shall be deemed to be one of the rioters or persons unlawfully assembled, and shall be liable to be prosecuted therefor, and punished accordingly.

Refusing to assist when required.

(3.) SEC. III. If any mayor, alderman, president, trustee, justice of the peace, sheriff, or deputy sheriff, constable, or coroner, having notice of any such riotous or tumultuous and unlawful assembly as is mentioned in this chapter, in the city, town or county in which he lives, shall neglect or refuse immediately to proceed to the place of such assembly, or as near thereto as he can with safety, or shall neglect or omit to exercise the authority with which he is invested by this chapter, for suppressing such riotous or unlawful assembly, and for arresting and securing the offenders, he shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding three hundred dollars.

Neglect of officers how punished.

(4.) SEC. IV. If any persons who shall be so riotously and unlawfully assembled, and who have been commanded to disperse as before provided, shall refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise, as may be necessary, and shall proceed in such manner as in their judgment shall be expedient, forthwith to disperse and suppress such unlawful, riotous, or tumultuous

Officers may use force to suppress disturbances.

assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

Armed force, when called out, to obey orders of governor.

(5.) SEC. V. Whenever an armed force shall be called out for the purpose of suppressing any tumult or riot, or dispersing any body of men acting together by force, with intent to commit any felony, or to offer violence to persons or property, or with intent by force or violence, to resist or oppose the execution of the laws of this territory, such armed force, when they shall arrive at the place of such unlawful, riotous, or tumultuous assembly, shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all the persons who are committing any of the said offenses, as they may have received from the governor, or from any judge of the court of record, or the sheriff of the county; and also such further orders as they there shall receive from any two of the magistrates or officers mentioned in the first section.

Officers, &c., to be guiltless though death ensue.

(6.) SEC. VI. If by reason of any of the efforts made by any of the said magistrates or officers, or by their direction, to disperse such unlawful, riotous, or tumultuous assembly, or to seize and secure the persons composing the same who have refused to disperse, though the number remaining may be less than twelve, any such person or other persons then present as spectators, or otherwise, shall be killed or wounded, the said magistrates and officers, and all persons acting by their order, or under their direction, shall be held guiltless and fully justified in law; and if any of the said magistrates or officers, or any person acting by their order or under their direction, shall be killed or wounded, all the persons so unlawfully, riotously, and tumultuously assembled, shall be held answerable therefor.

Riotously destroying house, &c.

(7.) SEC. VII. If any of the persons so unlawfully assembled, shall demolish, pull down, or destroy any dwelling house, or any other building, or any shop, steamboat, or vessel, he shall be punished by imprisonment in the territorial prison, not more than seven years, nor less than three years.

CHAPTER 94.

OFFENSES AGAINST PUBLIC POLICY.

SECTION.

1. Setting up or promoting illegal lotteries.
2. Selling lottery tickets, or aiding therein.
3. On second conviction.
4. Advertising lottery tickets, &c.

SECTION.

5. Making or selling tickets in fictitious lottery.
6. Defendant to prove genuineness of ticket, &c.
7. Prizes forfeited to the territory.

[Chapter 105, Revised Statutes.]

Setting up or promoting illegal lotteries.

(1.) SEC. I. Every person who shall set up or promote any lottery for money, or shall dispose of any property of value, real or personal, by way of lottery, and every person who shall aid, either by printing or writing, or shall in any way be concerned in setting up, managing, or drawing any such lottery, or who shall in any house, shop, or building