

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
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FOURTH EDITION.

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WITH SUPPLEMENTS,  
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF  
THE LEGISLATIVE SESSION OF 1883.

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any policeman, sheriff or constable of any city or county, or any agent of the Minnesota society for the prevention of cruelty to animals, shall, upon his own view of any such violation, or upon the complaint of any other person who may declare his or her name or abode to such policeman, constable, sheriff or agent, make arrests, and bring before any court or magistrate thereof offenders found violating the provisions of this act. And all fines and forfeitures imposed or collected under the provisions of this act, in any such city or county, shall inure and be paid over to the Minnesota society for the prevention of cruelty to animals, in aid of the benevolent objects for which it was incorporated. (1871, c. 34, § 12.)

\*§ 32. **What courts to have jurisdiction.** The several municipal and police courts and justices in this state shall have full concurrent jurisdiction with the district court of all offences under this act, and to the full extent of the penalties therein specified. (*Id.* § 13.)

\*§ 33. **Section 24, ante, not applicable, when.** The provisions of section five of this act, requiring animals to be unloaded, shall not apply when they are properly fed and watered on the cars in which they are transported. (*Id.* § 14.)

## CHAPTER C.

### OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

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§ 1. **Adultery, how punished—limitation of prosecution.** Whoever commits the crime of adultery shall be punished by imprisonment in the state 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.

§ 2. **Polygamy defined—punishment.** If any person who has a former husband or wife living marries another person, or continues 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 state 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.

12 M. 476.

§ 3. **Same—exceptions.** The provisions of the preceding section shall not extend to any person whose husband or wife has been continually remaining beyond the sea, or has 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 any person who has been legally divorced from the bonds of matrimony, and was not the guilty cause of such divorce.

§ 4. **Lewd and lascivious conduct, how punished.** If any man or woman, not being married to each other, lewdly and lasciviously cohabit and associate together, or if any man or woman, married or unmarried, is guilty of open and gross lewdness or lascivious behavior, every such person shall be punished by fine not exceeding three hundred dollars, or by imprisonment in a county jail not exceeding three months.

§ 5. **Fornication, how punished.** If any man commits fornication with any single woman, each of them shall be punished by imprisonment in the jail not more than thirty days, or by fine not exceeding thirty dollars.

§ 6. **Seduction—evidence of female seduced—intermarriage of parties.** Any unmarried man who, under promise of marriage, or any married man, who seduces and has illicit connexion with any unmarried female of previous chaste character, is guilty of a felony, and shall be punished by imprisonment in the state prison, not exceeding five years, or by imprisonment in a county jail not exceeding one year; but no conviction shall be had under the provisions of this section on the testimony of the female seduced, unsupported by other evidence, nor unless indictment is found within two years after the commission of the offence: *provided*, that the subsequent intermarriage of the parties may be plead in bar of a conviction.

4 M. 241 (325), 251 (335).

§ 7. **Mother concealing death of bastard, how punished.** If any woman conceals the death of any issue of her body, which, if born alive, would be a bastard, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, she shall be punished by imprisonment in the state prison not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars.

§ 8. **Same—charge may be inserted in indictment for murder.** Any woman indicted for the murder of her infant bastard child may also be charged, in the same indictment, with the offence described in the preceding section; and if, on the trial, the jury acquit her of the charge of murder, and find her guilty of the other offence, judgment and sentence may be awarded against her for the same.

§ 9. **Keeping house of ill fame, how punished.** Whoever keeps a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment in the state prison not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars.

§ 10. **Same—lease of house voidable on conviction of lessee.** Whenever the lessee of any dwelling-house is convicted of the offence mentioned in the preceding section, the lease or contract for letting such house shall, at the option of the lessor, become void; and such lessor shall thereupon have the like remedy to recover the possession as against a tenant for holding over after the expiration of his term.

\*§ 11. **Abduction of females for prostitution—evidence.** Any person who shall inveigle, entice or take away any unmarried female of previous chaste character, under the age of twenty-five years, from her father's home, or wherever else she may be, for the purpose of prostitution at a house of ill-fame, assignation or elsewhere, and every person who shall aid or assist in such abduction for such purpose, shall be guilty of a felony, and shall, upon conviction thereof, be punished by imprisonment in the state prison not exceeding five years: *provided*, that no conviction shall be had under the provisions of this act on the testimony of the female so inveigled or enticed away, unsupported by other evidence, nor unless an indictment shall be found within two years after the commission of the offence. (1877, c. 127, § 1.)

§ 12. (SEC. 11.) **Obscene books, etc.—penalty for printing, etc.** Whoever imports, prints, publishes, sells or distributes any book, or any pamphlet, ballad, printed paper, or other thing containing obscene language, or obscene prints, pictures, figures, or other descriptions manifestly tending to the corruption of the morals of youth, or introduces into any family, school or place of education, or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper or other thing, either for the purpose of loan, sale, exhibition or circulation, or with intent to introduce the same into any family, school or place of education, shall be punished by imprisonment in the county jail not more than six months, or by a fine not exceeding two hundred dollars.

§ 13. (SEC. 12.) **Incest, how punished.** Persons within the degrees of consanguinity within which marriages are prohibited, or declared by law to be incestuous and void, who intermarry with each other, or commit adultery or fornication with each other, shall be punished by imprisonment in the state prison not more than two years, nor less than six months.

§ 14. (SEC. 13.) **Sodomy, how punished.** Whoever commits sodomy or the crime against nature, either with mankind or any beast, shall be punished by imprisonment in the state prison not more than five years, nor less than one year.

§ 15. (SEC. 14.) **Disturbing public worship—penalty.** Whoever, on the Lord's day, or at any other time, wilfully interrupts or disturbs any assembly of the people met for worship, within the place of such meeting or about it, shall be punished by fine not exceeding twenty dollars, nor less than five dollars, or by imprisonment in the county jail not exceeding thirty days.

§ 16. (SEC. 15.) **Violation of sepulture, how punished.** Whoever, not being lawfully authorized, wilfully digs up, disinters, removes or conveys any human body, or the remains thereof, or knowingly aids in such disinterment, removal or conveying away, every such offender and every accessory thereto, either before or after the fact, shall be punished by imprisonment in the state prison not more than two years, nor less than six months, or by fine not exceeding two hundred dollars.

§ 17. (SEC. 16.) **Defacing gravestones, etc.—penalty.** Whoever wilfully, or with evil intent, destroys, mutilates, defaces or removes any tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead; or any fence, railing, curb, or other thing intended for the protection or for the ornament of any tomb, monument, gravestone or other structure before mentioned, or of any inclosure for the burial of the dead, or wilfully, or with evil intent, destroys, mutilates, removes, cuts, breaks or injures any tree, shrub or plant, placed or being within any such inclosure, the person so offending shall be punished by a fine not exceeding one thousand dollars, nor less than twenty-five dollars.

§ 18. (SEC. 17.) **Opening roads through cemeteries—penalty.** Whoever opens or makes any highway or town-way, or constructs any railroad, turnpike or canal, or any other thing in the nature of a public easement, over, through, in or upon such part of any inclosure, being the property of a town, village, or religious society, or of private proprietors, as may be used for the burial of the dead,

unless an authority for that purpose is granted by law, or unless the consent of such town, village or religious society or private proprietors, respectively, is first obtained, shall be punished by fine not exceeding three hundred dollars.

§ 19. (SEC. 18.) **Cruelty to animals, how punished.** Whoever cruelly beats or tortures any horse, ox, or other animal, whether belonging to himself or another, shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding fifty dollars, nor less than five dollars.

See ante c. 99, § 21, *et seq.*

§ 20. (SEC. 19.) **Sabbath-breaking—penalty—exception.** No person shall keep open his shop, warehouse or workhouse, or shall do any manner of labor, business or work, except only works of necessity and charity, or be present at any dancing, or any public diversion, show or entertainment, or take part in any sport game or play, on the Lord's day, commonly called Sunday; and every person so offending shall be punished by a fine not exceeding two dollars for each offence; *provided*, this section shall not apply to any person who religiously observes the seventh day of the week, commonly called Saturday, as the Sabbath, so far as relates to his work or business avocations. (*As amended 1874, c. 47, § 1.*)

8 M. 1 (13); 9 M. 179 (194); 14 M. 174; 20 M. 419; 23 M. 551.

§ 21. (SEC. 20.) **Same—definition of "Sunday."** For the purposes of the provisions of the nineteenth section, the Lord's day shall include the time between the midnight preceding, and the midnight following the said day.

§ 22. (SEC. 21.) **Service of civil process on Sunday, void—penalty.** No person shall serve or execute any civil process from midnight preceding to midnight following said Lord's day; but such service shall be void, and the person serving or executing such process shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

§ 23. (SEC. 22.) **Jurisdiction of justices.** Justices of the peace have jurisdiction of the offences mentioned in the fifth, fourteenth, eighteenth and nineteenth sections of this chapter.

§ 24. (SEC. 23.) **Trading within two miles of camp-meeting prohibited—exception.** No person shall keep any shop, tent, booth, wagon, carriage, for the sale of, or shall sell, give or expose to sale, any spirituous or intoxicating liquors, goods or merchandise of any kind, within two miles of any public assembly, camp or grove meeting, convened for the purpose of religious worship; but this shall not be construed to prevent any person from selling merchandise at the shop or store where he usually transacts business, nor from selling liquors in any place where he has received a license therefor before the appointment of such religious meeting; nor to prevent any peddler from selling his goods to any person at the usual place of business or residence of such person.

§ 25. (SEC. 24.) **Violation of preceding section, how punished.** Whoever is guilty of a breach of the preceding section, upon conviction thereof before any justice of the peace, shall be fined not exceeding thirty dollars, or imprisoned in the county jail for any term not exceeding thirty days, or may be sentenced to both said punishments.

§ 26. (SEC. 25.) **Misconduct, etc., near religious meetings—penalty.** Whoever is guilty of noisy, rude or indecent behavior, of exhibiting shows or plays, or promoting or engaging in horse-racing or gambling, at or near any such religious meeting, so as to interrupt or disturb the same, or, at any religious meeting of the citizens of this state, maliciously cuts or otherwise injures or destroys any harness, or tents, or other property belonging to any tent-holder or other person, upon conviction thereof before any justice of the peace, shall be fined not exceeding fifty dollars; or, if the offence is of an aggravated nature, he may be held to recognize with sufficient sureties to appear at the district court next to be holden in the same county, and, upon conviction before such court, he shall be fined in any sum not exceeding one hundred dollars, or imprisonment

in the county jail not exceeding ninety days, or by both such fine and imprisonment.

§ 27. (SEC. 26.) **Limitation of prosecution under last three sections.** No prosecution for any violation of the provisions of the last three sections shall be sustained, unless commenced within sixty days after the commission of such offence.

\*§§ 28, 29, 30. See 1881 Sup't, p. 109.

CHAPTER C I.

OFFENCES AGAINST THE PUBLIC HEALTH.

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 5. Causing spread of small-pox.  
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**SECTION**  
 11-12. Importation, etc., of diseased sheep—disposal of fines—liability in damages.  
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 14-17. Importation of Texas or Indian cattle—exception as to cattle on hand—exception as to cattle transported through state by rail, and cattle wintered north of Missouri—penalty—disposal of fines—liability in damages.

§ 1. **Selling diseased provisions, how punished.** Whoever knowingly sells any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars.

\*§ 2. **Adulteration of milk, etc.—penalty.** That whoever shall knowingly sell to any person or persons, or sell, deliver or bring to be manufactured to any cheese or butter manufactory in this state, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of milk known as "strippings," with intent to defraud, or shall knowingly sell milk, the product of a diseased animal or animals, or shall knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars, or imprisonment in the county jail not exceeding thirty days, or both such fine or imprisonment, or liable in double the amount of damages, to the person or persons, firm, association or corporation, upon whom such fraud shall be committed. (1871, c. 32, § 1.)

§ 3. (SEC. 2.) **Adulteration of food, etc.—penalty.** Whoever fraudulently adulterates, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, with any substance injurious to health, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding two hundred dollars.

§ 4. (SEC. 3.) **Adulteration of drugs &c., how punished.** Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any drug or medicine knowing it to be adulterated, or offers the same for sale, shall be

§ 1, 3, 2c to 2g, incl. See 1881 Sup't, p. 110