

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

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

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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.

SECTION

- 1-2. Selling diseased provisions—adulterated or skimmed milk.
- 3-4. Adulteration of articles of food or drink—of drugs or medicines.
- 5. Causing spread of small-pox.
- 6. Prescribing, drugs, etc., while intoxicated.
- 7-9. Selling poison without label—record of sale of poison to be kept—purchaser giving false name.
- 10. Putting offal in lakes or rivers.

SECTION

- 11-12. Importation, etc., of diseased sheep—disposal of fines—liability in damages.
- 13. Permitting glandered animal to run at large.
- 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, 3a to 3g, incl. See 1881 Sup't, p. 110

punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars; and such adulterated drugs and medicines shall be forfeited and destroyed by order of the court.

§ 5. (SEC. 4.) **Causing the spread of small-pox—penalty.** Whoever inoculates himself or any other person, or suffers himself to be inoculated, with the small-pox, within this state, with intent to cause the prevalence or spread of this infectious disease, shall be punished by imprisonment in the state prison not more than three years, nor less than one year.

§ 6. (SEC. 5.) **Intoxicated person prescribing drugs, etc.—penalty.** If any physician or other person, while in a state of intoxication, prescribes any poison, drug or medicine to another person, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars.

§ 7. (SEC. 6.) **Selling poison without label.** Every apothecary, druggist or other person who sells and delivers any arsenic, corrosive sublimate, prussic acid, or any other active poison, without having the word "poison," and the true name thereof in English, written or printed upon a label attached to the vial, box or parcel containing the same, shall be punished by a fine not exceeding one hundred dollars.

*§ 8. **Record of sale of poison to be kept.** If any druggist or other person sells or gives away any arsenic, strychnine, corrosive sublimate, or prussic acid, not upon the written prescription of a physician, and fails to keep a record of the date of such sale or gift, the article, and amount thereof sold or given away, and the person to whom delivered, he shall be fined not exceeding fifty dollars for each neglect. (1875, c. 91, § 1.)

*§ 9. **Same—purchaser giving false name—penalty.** Whoever purchases any such poison and gives a false or fictitious name, shall be punished in the same manner by a fine not exceeding fifty dollars. (*Id.* § 2.)

*§ 10. **Putting offal in lakes or rivers—penalty.** Whoever wilfully or knowingly deposits or casts into the Mississippi river, or Lake Pepin, or any other lake, creek or river in the state of Minnesota, or deposits upon the ice of either, the dead body of any horse, ox or other animal, or the offal of any such animal, shall be punished by imprisonment in the county jail not more than fifteen days, or by fine not exceeding twenty dollars, nor less than five dollars. (1866, c. 32, § 1.)

*§ 11. **Importation or running at large of diseased sheep—disposition of fines.** That any person, being the owner of sheep, or having the same in charge, who shall import or drive into this state, or shall turn out or suffer to run at large upon any common, highway or uninclosed lands, or joining or against any inclosed lands occupied by any person for pasturing sheep, any sheep having any contagious disease, or who shall sell, let or dispose of such sheep, knowing the same to be diseased, without first apprising the purchaser thereof, or person taking them, of such disease, shall be deemed guilty of a misdemeanor, and shall be punished by fine in a sum not less than fifty dollars, nor more than two hundred dollars, to be collected before any court having proper jurisdiction in this state. One-half of the fine so collected shall be paid to the person making the complaint, and the other half to the county in which the complaint was made. (1866, c. 42, § 1.)

*§ 12. **Same—offender liable for damages.** Nothing in this act shall be so construed as to prevent the recovery of damages in civil actions against any person or persons who shall import or drive such diseased sheep into this state, or who shall sell or let such diseased sheep, or suffer the same to run at large. (*Id.* § 2.)

*§ 13. **Permitting glandered animal to run at large—penalty.** Any person, being the owner of any horse, or other animal, having the disease known as the "glanders," who shall knowingly permit such animal to run at large, or be driven upon any of the highways of this state; or any hotel-keeper, or keeper of any public barn, who shall knowingly permit any horse or other animal having

such disease to be stabled in such public barn, shall be guilty of a misdemeanor, and, upon conviction before any justice of the peace of any such offence, shall be punished by a fine of not more than one hundred dollars, nor less than twenty-five dollars. (1868, c. 59, § 1.)

*§ 14. **Importation of Texas or Indian cattle prohibited.** That it shall not be lawful for any one to bring into the state, or have in possession, any Texas, Cherokee, Indian, or any diseased cattle, except as hereinafter provided. (1869, c. 42, § 1.)

*§ 15. **Exception as to cattle on hand—such cattle not to run at large.** This act shall not apply to any Texas, Cherokee or Indian cattle, or other diseased cattle, now on hand within this state; but persons having such shall be compelled to keep them within the bounds of their own premises, or separate from other cattle; and any damage that may accrue from allowing such cattle to run at large, and thereby spreading disease among other cattle, shall be recovered from the owner or owners thereof, who shall be liable to all the pains and penalties, as provided in section four of this act. (*Id.* § 2.)

*§ 16. **Such cattle may be driven through state, when.** Nothing contained in this act shall be so construed as to prevent the transportation of such cattle through this state on railroads; or to prohibit the driving through any portion of this state such Texas or southern cattle as have been wintered at least one winter north of the northern boundary of the state of Missouri. (*Id.* § 3.)

*§ 17. **Penalty—disposition thereof—liability for damages.** Any person who shall violate the provisions of this act shall, for every such violation, forfeit and pay into the school fund of the county where the offence is committed, a sum not exceeding one thousand dollars, or to be fined and imprisoned in the county, jail, at the discretion of the court, though such time of imprisonment shall not exceed six months; and such person or persons shall pay all damages that may accrue to any person by reason of such violation of this act. (*Id.* § 4.)

CHAPTER CIL

SEARCH-WARRANTS.

SECTION.

1. Search-warrant to issue, when.
2. May be issued by magistrate, upon complaint.
3. Direction and contents.

SECTION

4. Keeping and disposal of property seized under warrant.

§ 1. **Search-warrant, when issued.** When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal cases, that personal property has been stolen or embezzled, or obtained by false tokens or pretences, and that the complainant believes that it is concealed in any particular house or place, the magistrate, if he is satisfied that there is reasonable cause for such belief, shall issue his warrant to search for such property.

§ 2. **Same—for counterfeit coin, bank-notes, etc.—for obscene books—for gambling apparatus.** Any such magistrate, when satisfied that there is reasonable cause, may also, upon like complaint made on oath, issue search-warrants in the following cases, to wit: