

# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA

36

IN FORCE

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COMPLETE IN TWO VOLUMES.

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VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

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VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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## CHAPTER 100.

## OFFENSES AGAINST CHASTITY, MORALITY, AND DECENCY.

[See, as to repeal, note to c. 93, *ante*. \*§§ 12a-12c are independent acts, and not parts of the General Statutes.]

§ 12. (Sec. 11.) **Obscene books, etc.**

[Repealed 1885, c. 268, § 4.]

\*§ 12a. **Obscene literature—Sale, etc.—Penalty.**

*First.* A person who sells, lends, gives away, or offers to give away, or shows or has in his possession, with intent to sell or give away, or to show or advertise, or otherwise offer for loan, gift, sale, or distribution, an obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, or photograph, or any article or instrument of indecent or immoral character, or who designs, copies, draws, photographs, prints, utters, publishes, or prepares such a book, picture, drawing, paper, or other article, or writes or prints, or causes to be written or printed, a circular, advertisement, or notice of any kind, or gives information, orally stating when, where, how, or of whom or by what plans such indecent or obscene article or thing can be purchased or obtained; or,

*Second.* Sells, lends, gives away, or shows, or has in his possession, with intent to sell or give away or to show or advertise, or otherwise offers for loan, gift, or distribution any book, pamphlet, magazine, newspaper, or other printed paper, devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust, or crime; or,

*Third.* Exhibits upon any street or highway, or in any other place, within the view, or which may be within the view, of any minor child, any book, magazine, pamphlet, newspaper, writing, paper, picture, drawing, photograph, or other article or articles coming within the description of articles mentioned in the first and second subdivisions to this section, or any of them, or exhibits or circulates or posts, or causes to be exhibited or circulated or posted, in any conspicuous place, any picture, hand-bill, or poster containing obscene, indecent, or immoral representations; or,

*Fourth.* In any manner hires, uses, or employs any minor child to sell or give away, or in any manner to distribute, or who, having the care, custody, or control of any minor child, permits such child to sell, give away, or in any other manner to distribute, any book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, or other article or matter coming within the description of articles and matter mentioned in the first and second subdivisions of this section, or any of them,—is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than three months, or by a fine not less than twenty-five dollars or more than one hundred dollars, or by both imprisonment and fine, one-half of said fine to be paid to the informer. (1885, c. 268, § 1,\* as amended 1887, c. 56.)

[See *post*, Penal Code, §§ 277-280, and § 542.]

\*§ 12b. **Same—Search-warrant—Destruction of property.**

All municipal courts and justices of the peace, on complaint, supported by oath or affirmation, that any person has in his possession or control any ob-

\*"An act to prevent the sale or otherwise disposing of obscene, immoral, and indecent books, pamphlets, papers, pictures, and other objectionable wares." Approved March 5, 1885.

scene and indecent books, papers, articles, and things described in this act, shall issue a warrant directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal, or police officer within said county, directing him, them, or any of them, to search for, seize, and take possession of such obscene and indecent books, papers, articles, and things; and said court and justice of the peace shall, upon the conviction of the person or persons offending, under the law any of the provisions of this act, forthwith, in the presence of the person or persons upon whose complaint the said seizure or arrest is made, if he or they shall, after notice thereof, elect to be present, destroy, or cause to be destroyed, the aforesaid books, papers, articles, and things, and shall cause to be entered upon the records of his court the fact of such destruction. (1885, c. 268, § 2.)

**\*§ 12c. Same—Jurisdiction.**

Justices of the peace and municipal courts shall have jurisdiction of the offenses mentioned in this act. (*Id.* § 3.)

**§ 24. (Sec. 23.) Sale of liquors within two miles of camp-meeting.**

Under an ordinance which forbids selling, dealing in, or disposing of liquor without a license, the giving away of liquor is indictable. *State v. Deusting*, 33 Minn. 102, 22 N. W. Rep. 442.

**\*§ 28. Indecent exposure—Obscene language—Penalty.**

Whoever, being over fourteen years of age, willfully makes any indecent exposure of his or her person in any public place, or in any place where there are other persons to be offended or annoyed thereby, or utters or uses any obscene or licentious language or words in the presence or hearing of any female, shall be fined not more than one hundred dollars, nor less than five dollars, or by imprisonment in the county jail not exceeding thirty days, or less than ten days. (*Added to Gen. St.* 1881, c. 33, § 1.)

[See *post*, Penal Code, tit. 10, c. 7.]

## CHAPTER 101.

### OFFENSES AGAINST THE PUBLIC HEALTH.\*

[See, as to repeal, note to c. 93, *ante*. \*§§ 2<sup>1</sup>-2<sup>32</sup>, 3a-3e, are independent acts, and not parts of the General Statutes.]

**§ 1. Sale of diseased provisions—Penalty.**

[Amended 1879, c. 9; *post*, page 1056, § 1. See *post*, Penal Code, tit. 12.]

**\*§ 2<sup>1</sup>. Imitation butter—Branding—Failure—Penalty.**

Any person who shall knowingly sell or offer for sale, or procure the sale or offer for sale of, any article or substance in semblance of butter not the legitimate product of the dairy, made exclusively of milk and cream, but into the composition of which the oil or fat of animals or melted butter, or any oil thereof, enters as a substitute for cream, in tubs, firkins, or other original packages, not distinctly, legibly, and durably branded, stamped, or marked in

\*In relation to the use of oleomargarine and butterine in hotels, restaurants, boarding-houses, and dining cars, see *post*, c. 124, \*§ 25a.