

REVISED LAWS

MINNESOTA

1905

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CHAPTER 103

MISCELLANEOUS CRIMES

5161. Drunkenness—Every person who becomes intoxicated by voluntarily drinking intoxicating liquors shall be guilty of the crime of drunkenness, and punished as follows: For a first offence, by imprisonment in the county jail for not more than forty days, or by a fine of not more than forty dollars; for the second offence, by imprisonment for not less than ten nor more than sixty days, or by fine of not less than ten dollars nor more than sixty dollars; for the third and all subsequent offences, by imprisonment for not less than sixty nor more than ninety days. (6949)

62-348, 355, 64+912; 77-417, 80+358.

5162. Opium joints—Every person who shall open and maintain, to be resorted to by other persons, any place where opium or any of its preparations shall be sold or given away to be smoked or used therein, or who at such place shall sell or give away opium or its preparations to be there smoked or otherwise used, and every person who shall visit or resort to any such place for the purpose of smoking or using opium or its preparations, shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not more than six months, or by a fine of not more than five hundred dollars, or by both. (6950)

5163. Adulterated cigarettes—Every person who shall manufacture, sell, give away, or use any cigarette containing any substance deleterious to health, other than tobacco, shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail for not more than thirty days. (6951)

5164. Frauds on innkeepers—Every person who shall obtain any food or accommodation at an inn without paying therefor, with intent to defraud the proprietor or manager thereof, or who shall obtain credit at an inn by any false pretence, or who, after obtaining credit or accommodation at an inn, shall abscond and surreptitiously remove his baggage therefrom without paying for such food and accommodation, shall be guilty of a misdemeanor. (6611)

Constitutional (28-424, 10+471). See 1905 c.325

5165. Solemnizing unlawful marriages—Every minister or magistrate who shall solemnize a marriage when either party thereto is known to him to be under the age of legal consent, or to be an idiot or insane person, or a marriage to which, within his knowledge, a legal impediment exists, shall be guilty of a gross misdemeanor. (6609)

5166. Advertisement soliciting divorce business—Every person who shall advertise, print, publish, distribute, or circulate, or cause to be advertised, printed, published, distributed, or circulated, any pamphlet, card, handbill, circular, advertisement, printed paper, book, newspaper, or notice of any kind, offering to procure or obtain, or to aid in procuring or obtaining, any divorce, or the severance, dissolution, or nullity of any marriage, or offering to engage, appear, or act as attorney, counsel, or referee in any suit for divorce, alimony, or the severance, dissolution, or nullity of any marriage, either in this state or elsewhere, shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars. ('01 c. 209)

5167. Improper use of insignia—Every person who shall wilfully wear the insignia or rosette of the military order of the Loyal Legion of the United States, or the badge or button of the Grand Army of the Republic, or any similitude of either; or who shall wilfully wear any badge, emblem, or insignia pertaining to the order of Masons, Odd Fellows, Knights of Pythias, or any other secret order or society, or any similitude thereof; or who shall use any such badge, button, or insignia to obtain aid or assistance, unless he shall be entitled to so use the same under the constitution, by-laws, rules, and regulations of such order or society—shall be guilty of a misdemeanor,

and punished by imprisonment in the county jail for not more than thirty days, or by a fine of not more than twenty-five dollars, or by both. (6953, 6954, '01 c. 55)

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5168. Trusts and combinations—No person or association of persons shall enter into any pool, trust agreement, combination, or understanding whatsoever with any other person or association, corporate or otherwise, in restraint of trade, within this state, or between the people of this or of any other state, or country, or which tends in any way or degree to limit, fix, control, maintain, or regulate the price of any article of trade, manufacture, or use bought and sold within the state, or which limits or tends to limit the production of any such article, or which prevents or limits competition in the purchase and sale thereof, or which tends or is designed so to do. Every person violating any provision of this section, or assisting in such violation, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the state prison for not less than three nor more than five years. (6955, 6956; '99 c. 359; '01 c. 194)

82-173, 84-743; 93-278, 101-168; 123 Fed. 692; 194 U. S. 59.

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5169. Corporations to forfeit franchises—Every domestic corporation which shall, directly or indirectly, violate any provision of § 5168, or which shall in any way assist in carrying out any of the purposes of such illegal pool, trust agreement, combination, or understanding, in addition to the penalties imposed upon the members thereof by said section, shall forfeit all its corporate franchises; and every foreign corporation admitted to transact business in this state, guilty of like conduct, shall thereafter be prohibited from continuing its business therein. The attorney general and the several county attorneys shall begin and conduct, in the district court, all actions and proceedings necessary to enforce the provisions of this section, and any citizen may do so. Said court, by injunction or restraining order, may prohibit the transaction of business by such corporation pending the trial of such action. ('99 c. 359; '01 c. 194)

5170. Pool-selling and book-making—Every person who shall keep or occupy any room, building, or any part thereof, any booth, tent, or part thereof, or any place upon any public or private grounds, with apparatus, books, blackboard, or other device, appliance, or scheme of whatever kind or description, for the purpose of making, recording, or registering bets or wagers, buying or selling pools or combinations of any sort, upon the results of any trial or contest of skill, speed, or power of endurance of man, beast, bird, or machine, or upon the result of any game or competition, any nomination or appointment or election to or for any office or place whatsoever, political or otherwise; upon any event or happening, or pretended event or happening, whether occurring, to occur, or advertised to occur, in or out of the state; every person who shall make, record, or register any such bet or wager, or buy or sell any such pools or combinations upon any such result, event, or happening; every owner, lessee, or occupant of any such building, or part thereof, or place in the state, who shall knowingly permit the same to be used or occupied for any of the aforesaid purposes; every person who shall therein keep, exhibit, or employ, or permit to be kept, exhibited, or employed, any books, blackboards, charts, cards, or any other device, apparatus, or scheme whatever for the purpose of displaying or advertising any such game, competition, race, or political or other contest or event on which bets are to be made, or pools bought or sold, or for the purpose of making, registering, or recording any such bet or wager, or for the buying or selling of any such pool or combination; and every person who shall become the custodian or depository, for hire, reward, commission, or compensation in any manner, of any money, property, pools, or things of value whatsoever, in any manner staked, wagered, bet, or pledged upon any such event or result as aforesaid—shall be guilty of a felony, and punished by imprisonment in the state prison for not less than thirty days nor more than one year, or by a fine of not less than one thousand dollars, or by both. ('95 c. 218)

5171. Peace officers to be voters—Every state or municipal officer who shall appoint, swear in, or allow any person to act as policeman, special policeman, constable, special constable, patrolman, militiaman, or otherwise as a peace officer, for the purpose of bearing arms or maintaining the peace, or as a detective, spy, or secret agent, with authority to bear arms and make arrests, and every person acting in any such capacity before he shall have become a legal voter of the state, shall be guilty of a gross misdemeanor. (6958, 6959)

5172. Private detectives—Every person who shall institute or keep any private detective office for the purpose of keeping or letting out any armed force for hire, and every person, company, or corporation who shall keep or let out any armed force for hire, shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not less than three nor more than twelve months, or by fine of not less than fifty dollars nor more than five hundred dollars. (6960, 6961)

5173. Rights of citizenship—Every person who, on his own account, or as a member of a copartnership, or as an officer or member of a corporation, foreign or domestic, shall require or demand of any employee, under any conditions whatsoever, the surrender, in writing or by parol, of any natural right or any right or privilege of citizenship, shall be guilty of a gross misdemeanor. Violations of this section may be prosecuted by the county attorney of any county, or the prosecuting officer of any municipality. (6962-6964)

5174. Indians located on reservations—Crimes, etc.—Every Indian located upon any reservation in this state while outside such reservation shall be subject to all and the same provisions of law, civil and criminal, as citizens or residents; and when outside his reservation without a passport from the superintendent or agent of Indian affairs, or from an officer commanding the nearest military fort, or when found in any place not specified in such passport, or after its expiration, any peace officer may remove him from any lands belonging to white inhabitants and return him to his reservation. (2265-2267)

5175. Wilfully poisoning food, etc.—Every person who shall wilfully mingle poison with any food, drink, or medicine, intended or prepared for the use of a human being, and every person who shall wilfully poison any spring, well, or reservoir of water, shall be punished by imprisonment in the state prison for not more than ten years, or by a fine of not more than five hundred dollars, or by both. (6604)

5176. Setting spring guns, etc.—Whoever shall set a so-called trap or spring gun, pistol, rifle, or other deadly weapon, shall be punished as follows:

1. If no injury results therefrom to any human being, by imprisonment in the county jail for not less than six months, or by a fine of not more than five hundred dollars, or by both;

2. If injuries not fatal result therefrom to any human being, by imprisonment in the state prison for not more than five years; and

3. If the death of any human being results therefrom, by imprisonment in the state prison for not less than ten nor more than fifteen years. (6853, 6854)

5177. Obstructing engines, etc., on railways—Every person who shall wilfully obstruct any engine or carriage passing upon any railway, so as to endanger the safety of persons in or upon the same, or shall assist or aid therein, shall be punished by imprisonment in the state prison for not more than twenty years; and every person who shall wilfully do, or cause to be done, any act with intent to endanger the safety of persons in or upon any such engine or carriage, or shall aid or assist therein, shall be punished by imprisonment in the state prison for not more than five years, or by fine of not less than one hundred dollars nor more than five hundred dollars. (6855, 6856)

28-421, 10+475.

5178. Boarding moving engines or cars—It shall be unlawful for any person other than a passenger or employee to get on or off, or attempt to get on or off, or to swing on, or hang on from the outside of, any engine or car or

any electric motor or street car upon any railway or track, while such engine, car, motor, or street car is in motion, or switching or being switched. Every person who shall violate any of the foregoing provisions shall be punished by a fine of not more than ten dollars, and any sheriff, constable, or police officer finding any person in the act of violating any such provision shall arrest, take before a proper court or magistrate, and make a verified complaint against him for such violation. (6857-6859; '99 c. 99 s. 1)

5179. Doors of public building to swing outward—The doors of all theaters, opera houses, public halls, or places used for public entertainments, exhibitions or meetings, which are used exclusively or in part for admission to, or egress from, the same, shall be so hung and arranged as to open outwardly, and, during any exhibition, entertainment, or meeting held therein, shall be kept unlocked and unfastened, and in such condition that, in case of danger or necessity, immediate escape from such building shall not be prevented or delayed. Every owner, agent, or lessee of any such building who shall rent the same or allow it to be used for any of the aforesaid public purposes, without having the doors thereof hung and arranged as hereinbefore provided, shall for each violation of any provision of this section be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and, in default of payment of fine and costs, shall be confined in the county jail for not less than fifteen nor more than sixty days. (6860, 6861)

5180. Desecration of flag—Every person who, for exhibition or display, shall cause to be placed upon or affixed to any flag, standard, color, or ensign of the United States or this state, or upon one purporting to be either of said flags, standards, colors, or ensigns, any inscription, design, device, symbol, name, advertisement, words, characters, marks, or notice whatever; or who shall display or exhibit any such flag, standard, color, or ensign, having upon or affixed to it any such inscription, design, device, symbol, name, advertisement, words, characters, marks, or notice whatever; or who shall publicly mutilate, trample upon, deface, or defy any such flag, standard, color, or ensign—shall be guilty of a misdemeanor; but such flags, standards, colors, or ensigns used in the service of the United States or of this state may have inscriptions, names of actions, words, marks, or symbols placed thereon pursuant to law or authorized regulations. ('99 c. 163)

5181. Attorneys not to defend certain prosecutions—Every attorney who shall directly or indirectly advise in relation to, or aid or promote the defence of, any action or proceeding in any court, the prosecution of which shall be carried on, aided, or promoted by any person as county attorney or other public prosecutor with whom such attorney shall be directly or indirectly connected as partner, or who, having himself prosecuted or in any manner aided or promoted any action or proceeding in any court as county attorney or other public prosecutor, shall afterwards, directly or indirectly, advise in relation to, or take any part in, the defence thereof, as attorney or otherwise, or who shall take or receive any valuable consideration from or on behalf of any defendant in any such action, upon any understanding or agreement whatsoever, express or implied, having relation to the defence thereof, shall be guilty of a misdemeanor. (6810, 6811)

5182. Fraudulently presenting claims to public officers—Every person who, with intent to defraud, shall knowingly present, for audit, allowance, or payment, to any officer or board of the state, or of any county, city, town, village, or school district, authorized to audit or allow or to pay bills, claims, or charges, any false or fraudulent claim, bill, account, writing, or voucher, or any bill, account, or demand containing false or fraudulent charges, items, or claims, shall be guilty of a felony. (6812)

93-311, 101+306.

5183. Fraud by bailee of animals, etc.—Every person who shall obtain from any livery stable the possession or use of a horse or other draft animal or any vehicle without paying therefor, with intent to defraud the keeper, manager, or proprietor thereof, or who shall obtain from such stable the pos-

session or use of any such property by color or aid of any false or fraudulent representation, pretence, token, or writing, or shall obtain credit for such use by color or aid of any false or fraudulent representation, pretence, token, or writing; or who, having hired any such property, shall recklessly, wilfully, wantonly, or by gross negligence injure or destroy, or cause, suffer, allow, or permit the same, or any part thereof, to be injured or destroyed; or who, having hired any horse or other draft animal upon the understanding or agreement that the same shall be ridden or driven a specified distance or to a specified place, shall wilfully and fraudulently ride, drive, or cause, permit, or allow the same to be ridden or driven a longer distance, or to a different place, and shall wilfully and fraudulently represent that the same has not been ridden or driven a longer distance or to a different place than that specified—shall be guilty of a misdemeanor. But this section shall not apply to any case of taking or obtaining the use or possession of the property of another with intent to steal the same, nor where the facts would constitute the crime of larceny. (6813, 6814)

5184. Picking cranberries out of season—Every person who shall pick or gather cranberries, on lands other than his own, before September 1 in any year, shall be punished by a fine of ten dollars for each such offence. (7902)

5185. Protection to motormen—It shall be unlawful to operate any street car by electricity, steam, or cable, upon or over any street railway, unless the same is so constructed as to protect the motorman or gripman from the inclemency of the weather. Every person or corporation owning or operating any street railway who shall violate the provisions of this section shall be guilty of a gross misdemeanor, and punished by a fine of not less than fifty dollars for each day of such violation. (2767-2770)

Constitutional (58-35, 59+545).

5186. Stealing railway tickets, etc.—If any person in the employ of a railroad or steamboat company shall fraudulently neglect to cancel, or to return to the proper officer or agent of such company, any ticket, coupon, or pass, with the intent to permit the same to be used in fraud of any railroad or steamboat company, or if any person shall steal or fraudulently stamp, print, sign, sell, or put in circulation any such ticket, coupon, or pass, he shall be guilty of a felony, and punished by imprisonment in the state prison for not more than five years. (2792)

5187. Employee obtaining transportation with intent to defraud—Every employee who, with intent to defraud, having received transportation from his employer from any point in this state to or in the direction of a place where he has agreed with such employer to perform labor or render services, or who, with intent to defraud, having received the benefit of other pecuniary advancement from the employer under his agreement to perform labor or render services in repayment of the cost of such transportation or amount of such advancement, refuses or neglects to perform such labor or render such services to the full value of the transportation furnished or advancement made, or to repay to such employer such transportation or advancement in money, shall be guilty of a misdemeanor, and punished by a fine of not more than twenty-five dollars or by imprisonment for not more than sixty nor less than ten days. The failure or refusal of any such employee to perform such labor or render such services in accordance with his contract, or pay in money the amount paid for such transportation or such advancement, shall be prima facie evidence of his intent to defraud, and the value of such labor or services shall be determined by the price so agreed to be paid such employee therefor. ('01 c. 165)

5188. Misconduct by hotel runners—Any licensed hotel, railroad, steamboat, or restaurant runner who shall annoy or obstruct any person on the public streets shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of five dollars; and upon conviction hereunder the license of such runner shall be forfeited. (8004)

5189. Fumigating grain to change color—Any person who shall subject, or cause to be subjected, to fumigation by sulphur or other material, or to any

other chemical process affecting the color thereof, any barley or grain; and any person who shall knowingly sell or offer for sale any barley or other grain which shall have been subjected to such fumigation or other process herein mentioned—shall be guilty of a felony, and punished by a fine of not more than five hundred dollars, or by imprisonment in the state prison for not more than one year, or by both such fine and imprisonment, and shall also be liable to any person injured in treble damages. (7640-7642)

5190. Maximum toll of custom mill—It shall be unlawful for any person owning or operating a custom mill to take a larger proportion than one-eighth as toll for grinding and bolting any wheat or other grain brought as a grist to such mill. Any person violating any provision of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than ten dollars nor more than one hundred dollars. (7643, 7644)

5191. Stealing from cars—Every person other than the owner or his agent, or one having charge of a railroad car for the purpose of loading the same, who takes from such car, while in transit, in the yards, or on any siding or track of any railroad in this state any grain or flax seed, or sweeps any such car, shall be guilty of a misdemeanor. On the trial it shall not be necessary to show that the defendant is not in the employ of the railroad company or acting under its authority while doing the act complained of, but the fact of the sweeping shall be prima facie evidence of the violation of this section. ('03 c. 278)

5192. Railway cars obstructing roads and streets—No person shall obstruct any public road or street by leaving, placing, keeping, or causing to be left, placed or kept any railway car upon or across the same, or to stop or cause to be stopped any engine or train of cars across any public road or street except for a sufficient time, not exceeding ten minutes, to couple or separate the cars. Whoever violates any provision of this section shall be guilty of a misdemeanor and punished by a fine of not less than five dollars, nor more than fifty dollars, and costs of prosecution, or by imprisonment in the county jail for not more than thirty days. (1866-1868)

5193. Fast driving on bridge—Whoever rides or drives faster than a walk, upon any bridge, at each end of which a conspicuous sign board is placed upon which is printed the following words and figures: "\$10 fine for riding or driving on this bridge faster than a walk," shall be guilty of a misdemeanor, and punished by a fine of ten dollars, or imprisonment in the county jail for ten days, for each offence. (1870-1873)

5194. Running toll—Whenever any person is authorized by law to collect toll for the crossing of any bridge or ferry belonging to him and every person who wilfully runs the toll gate or passes over such bridge or ferry with the intention of avoiding the payment of the prescribed toll, or who refuses to pay such toll when thereto lawfully requested, shall be guilty of a misdemeanor and punished by a fine of five dollars. All fines received under the provisions of this section and §§ 5192, 5193 shall be paid into the treasury of the town where the offence was committed, to be used in repairing the public roads in such town. (1869, 1874)

5195. Armed association—It shall not be lawful for any body of men other than the national guard, troops of the United States and, with the consent of the governor, Sons of Veterans and cadets of educational institutions where military science is taught, to associate themselves together as a military company with arms, but members of social and benevolent organizations are not prohibited from wearing swords. Any violation of this act shall be a misdemeanor. ('97 c. 118 s. 107)