

GENERAL STATUTES

OF

MINNESOTA

1913

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with intent that the same shall be taken by any animal, whether such animal be the property of himself or another, is punishable by imprisonment in the state prison not exceeding two years or in a county jail not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. (Pen. Code § 496, amended '89 c. 209 § 51; '05 c. 53 § 1)

Historical.—1889 c. 209 was repealed by § 9448. The provisions of said section 496, amended 1905 c. 53, were incorporated in R. L. § 5157, which is superseded by this section. See § 9398.

8961. Cock-fights—Dog-fights, etc.—Every person who shall engage in, be employed at, aid, or abet cock-fighting, dog-fighting, bear-baiting, pitting one animal against another of the same or a different kind, or any other similar cruelty to animals; or who shall receive money for the admission of any person to any place used, or about to be used, for any such purpose, or shall wilfully permit any one to enter or use for any such purpose premises of which he is the owner, agent, or occupant; and every person who shall use, train, or possess a dog or other animal for the purpose of seizing, detaining, or maltreating any domestic animal—shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by fine of not less than five dollars nor more than one hundred dollars. Every person who shall knowingly purchase a ticket of admission to any such place, be present at or witness such spectacle, shall be deemed an aider and abettor (5158)

8962. Animal with infectious disease—Every owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, or to have recently been exposed thereto, who shall sell or barter the same, or knowingly permit such animal to run at large or come into contact with any other animal, or with another person without his knowledge and permission, shall be punished by imprisonment in the county jail for not more than thirty days, or by fine of not less than twenty dollars nor more than one hundred dollars. (5159)

70-282, 286, 73+163, 68 Am. St. Rep. 527.

8963. Exposure of animals—Duty of officers—Any sheriff, constable, village marshal, police officer or any agent of the Minnesota or other societies for the prevention of cruelty, may remove, shelter, and care for any horse or other animal found exposed to the weather and not properly blanketed, or remaining more than one hour without attention in cold or inclement weather, or not properly fed and watered, or provided with suitable food and drink, and when necessary, may deliver such animal to another person to be so sheltered and cared for, and furnished with suitable food and drink; but in all cases the owner, if known, shall be immediately notified, and such officer, or the person having possession of the animal, shall have a lien thereon for its care and keeping and the reasonable value of the food and drink furnished and the expenses of such notice. If the owner or custodian be unknown, and cannot by reasonable effort be ascertained, or shall not, within five days after notice redeem such animal by paying the expenses incurred as aforesaid, it may be treated as an estray, and be dealt with as such. (R. L. § 5160, amended '07 c. 398 § 1)

CHAPTER 103

MISCELLANEOUS CRIMES

8964. Drunkenness—Successive offenses—Suspension of sentence—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 offense, 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 offense, by imprisonment for not more than sixty days or by a fine of not more than sixty dollars; for the third and all subsequent offenses, by imprisonment for not less than sixty days nor more than three months; provided, that the court may in its discretion, after conviction, for the first or second offense suspend sentence during the good behavior of the accused, but, if he shall again transgress within a period of six months thereafter, he shall again be brought before the court and shall be punished by a term of imprisonment as provided for in this section. (R. L. § 5161, amended '07 c. 208 § 1)

62-348, 355, 64+912, 30 L. R. A. 521, 54 Am. St. Rep. 647; 77-417, 80+358.

8965. 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. (5162)

8966. 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. (5163)

See § 8967.

8967-8968. Same—Any person within the state who manufactures, sells or gives to any one, or uses any cigarette containing any substance foreign to tobacco, shall be punished by a fine of not more than fifty dollars or imprisonment in a county jail for not more than thirty days. ('07 c. 386 § 1)

For other sections of this act see §§ 8675-8678.

See § 8966.

8969. Frauds on innkeepers, etc.—A person who obtains any food or accommodation at any inn, hotel, lodging house or boarding house, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at any inn, hotel, lodging house or boarding house, by or through any false pretense, or who after obtaining credit and accommodation at an inn, hotel, lodging house or boarding house, absconds and surreptitiously removes his baggage therefrom without paying for his food and accommodation is guilty of a misdemeanor, and the proprietor or manager of any such inn, hotel, boarding or lodging house, shall have a lien on any baggage or effects of any such person, in his possession for the amount due and unpaid for food or lodging so fraudulently obtained. (G. S. 1894 § 7999, amended '05 c. 325 § 1)

Historical—1905 c. 325 § 2 repeals inconsistent acts, etc.

G. S. 1894 § 7999 was 1874 c. 52 § 3, amended 1875 c. 111 § 1. Said acts were repealed by §§ 9437, 9438. This section supersedes R. L. § 5164. See § 9398.

Constitutional (28-424, 10+471).

8970. 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. (5165)

8971. 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. (5166)

8972. 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. (5167)

8973. 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. (5168)

82-173, 84+743, 51 L. R. A. 825, 83 Am. St. Rep. 419; 93-278, 101+163; 123 Fed. 692; 194 U. S. 59, 24 Sup. Ct. 593, 48 L. Ed. 870. Sufficient if direct and necessary effect is to stifle or restrict competition, irrespective of intention of parties (107-506, 121+395, 23 L. R. A. [N. S.] 1260). Agreement between corporations for transfer of property to one held pooling or combination. Continuance and maintenance by a corporation of combination a present violation (110-415, 126+126, 136 Am. St. Rep. 514. See, also, 115-207, 132+268, Ann. Cas. 1912D, 820).

8974. Domestic corporations to forfeit franchises—Foreign corporations—Every domestic corporation which shall, directly or indirectly, violate any provision of § 8973, 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. (5169)

Court has no discretion, after foreign corporation is found guilty, to grant any different judgment. Judgment not in violation of federal constitution or laws (115-207, 132+268, Ann. Cas. 1912D, 820).

8975. Foreign corporations, how readmitted—Any foreign corporation which has heretofore or may hereafter be prohibited by judgment under section 5169, Revised Laws, 1905 [8974], from continuing its business within this state, and whose business at the beginning of the proceedings resulting

in such judgment was and thereafter continued to be in whole or in part manufacturing within this state, shall be entitled to the rights, benefits and privileges of section 2889, Revised Laws, 1905 [6207], by filing with the secretary of state the affidavit specified in the next section, provided that such corporation shall within the times hereinafter specified apply for the assessment of and pay the fine mentioned in section "3" [8977] hereof. Provided that at the time of filing said affidavit the said corporation shall deposit in court with the clerk thereof the sum of \$10,000.00, which sum or any part thereof shall be applied on any fine imposed upon such corporation under section (3) hereof. ('13 c. 378 § 1)

8976. Same—Affidavit—Said affidavit above mentioned shall be made by the president, secretary, general manager or other officer or agent of said corporation having knowledge of the facts, and shall state that the business of said corporation at the beginning of said proceedings was and thereafter continued to be in whole or in part manufacturing within the state, and that the said corporation does not at the date of said affidavit directly or indirectly violate any provision of section 5168, Revised Laws 1905 [8973], and does not at said date in any way assist in carrying out any of the purposes of any pool, trust agreement, combination or undertaking mentioned in said section 5168 [8973]. ('13 c. 378 § 2)

8977. Same—Application to fix fine—Within thirty days after the filing of said affidavit such corporation shall make application in the case in which such judgment was entered for an order of the court to assess and fix a fine upon said corporation in pursuance of this act. Eight days' notice of such application shall be given to the attorney general, and the court, after hearing, shall assess and fix said fine at such sum not exceeding ten thousand dollars (\$10,000) as to it shall seem just and reasonable under the circumstances shown in the record of said case. If said corporation shall fail to make within said thirty days such application for assessing and fixing said fine, or shall fail to pay said fine within said sixty days after the written notice of the amount thereof from the attorney general, all said rights, benefits and privileges under said section 2889 [6207] shall cease. ('13 c. 378 § 3)

8978. Same—Applicable only to first judgment—This act shall apply only to the first judgment entered against such corporation under said section 5169 [8974], and shall be inapplicable to any subsequent judgment against it under said section 5169 [8974], and said rights, benefits and privileges of said section 2889 [6207], shall cease whenever the business of such corporation shall cease to be in whole or in part manufacturing within this state. ('13 c. 378 § 4)

8979. Same—Vacation of rights, etc.—Motion by attorney general—At any time after the filing of said affidavit the attorney general may make, in the case in which such judgment was entered, a motion for an order vacating said rights, benefits and privileges under said section 2889 [6207]. Said motion shall contain a specification of the grounds thereof and shall be served on such corporation in the manner provided for the service of a summons. The court shall hear said motion in a summary manner on said specification and on the corporation's answer thereto and on such evidence as may be submitted at the hearing, and shall make its findings of facts and conclusions of law therein; and if it be found that such corporation has since the filing of said affidavit directly or indirectly violated any provision of said section 5168 [8973], or has in any way assisted in carrying out any of the purposes of any pool, trust agreement, combination or understanding mentioned in said section 5168 [8973], the court (by a supplementary judgment in said case) shall enter judgment vacating all of said rights, benefits and privileges or impose a fine not less than \$5,000 and not exceeding \$10,000. ('13 c. 378 § 5)

8980. Petroleum—Discrimination between different localities prohibited—Any person, firm, company, association, or corporation, foreign or domestic, doing business in the state of Minnesota and engaged in the production, manufacture, or distribution of petroleum or any of its products that shall intentionally, or otherwise, for the purpose of destroying the business of a competitor or creating a monopoly in any locality, discriminate between different sections, communities or cities of this state, by selling such commodity at a

lower rate in one section, community, or city than is charged for such commodity by said party in another section, community, or city after making due allowance for the difference, if any, in the test or quality and in the actual cost of transportation from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful. ('07 c. 269 § 1)

1907 c. 269 not unconstitutional (111-85, 126+527). Quære whether other than primary products of petroleum included (111-85, 126+527).

8981. Same—Penalty—Any person, firm, company, association, or corporation, violating any of the provisions of the preceding section, and any officer, agent or receiver of any firm, company, association, or corporation, or any member of the same, or any individual found guilty of violation thereof, shall be guilty of a gross misdemeanor and shall be fined not more than five thousand dollars, or be imprisoned in the county jail not to exceed one year, or both. ('07 c. 269 § 2)

8982. Same—Contracts void—Recovery—All contracts or agreements made in violation of any provisions of the two preceding sections shall be void and any money or property paid or transferred for any such commodity under any such agreement shall be paid back within ten days after demand therefor, and on failure to so repay, then the purchasers may recover back in a civil action any such money or property, together with reasonable attorneys' fees not less than twenty-five dollars. ('07 c. 269 § 3)

8983. Same—Duty of county attorney—It shall be the duty of the county attorneys in their counties and the attorney general, to enforce the provisions of the preceding sections of this act by appropriate actions in courts of competent jurisdictions. ('07 c. 269 § 4)

8984. Same—Duty of secretary of state—If complaint shall be made to the secretary of state that any corporation authorized to do business in this state is guilty of unfair discrimination, within the terms of this act, it shall be the duty of the secretary of state to refer the matter to the attorney general, who may, if the facts justify it in his judgment, institute proceedings in the courts against such corporation. ('07 c. 269 § 5)

8985. Same—Revocation of permit—If any corporation, foreign or domestic, authorized to do business in this state, is found guilty of unfair discrimination, within the terms of this act, it shall be the duty of the secretary of state to immediately revoke the permit of such corporation to do business in this state. ('07 c. 269 § 6)

8986. Same—Continuance in business—Ouster—If after the revocation of its permit, such corporation or any other corporation (not having a permit and found guilty of having violated any of the provisions of this act), shall continue or attempt to do business in this state, it shall be the duty of the attorney general, by a proper suit in the name of the state of Minnesota, to oust such corporation from all business of every kind and character in said State of Minnesota. ('07 c. 269 § 7)

Procedure for revocation of license not exclusive (111-85, 126+527).

8987. Same—Remedies cumulative—Nothing in this act shall be construed as repealing any other act, or part of an act, but the remedies herein provided shall be cumulative to all other remedies by law. ('07 c. 269 § 8)

8988. Milk, etc.—Discrimination between different localities prohibited—Any person, firm, co-partnership or corporation engaged in the business of buying milk, cream or butterfat for the purpose of manufacture who shall, with the intention of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities or cities of this state by purchasing such commodity at a higher price or rate in one locality than is paid for the same commodity by said person, firm, co-partnership or corporation in another locality after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture shall be deemed guilty of unfair discrimination and upon conviction thereof shall be punished by a fine not exceeding five hundred

dollars (\$500), or by imprisonment in the county jail not to exceed six months. ('13 c. 230 § 1)

Historical—"An act to amend chapter 468, General Laws 1909, to prevent unlawful discrimination in the sale of milk, cream, butterfat and to provide a punishment for the same." This act supersedes 1909 c. 468.

1909 c. 468 held constitutional (117-186, 134+496).

8989. Same—Dairy and food commissioner to enforce—The state dairy and food commissioner, his assistant, inspectors, agents and employees, shall enforce the provisions of this act and in so doing shall have all the powers conferred upon them and each of them by the provisions of chapter 21, Revised Laws of 1905. ('13 c. 230 § 2)

The provisions of R. L. 1905 c. 21 are included in chapter 21 hereof.

8990. 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 depositary, 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. (5170)

8991. Bucket shop defined—Crime, when complete—Intention of act—A bucket shop, within the meaning of this act, is defined to be an office, store or other place wherein the proprietor or keeper thereof, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or copartnership within or without the state, conducts the business of making, or offering to make, contracts, agreements, trades or transactions respecting the purchase or sale, or purchase and sale, of any stocks, grain, provisions, or other commodity, or personal property, wherein both parties thereto, or said proprietor or keeper, contemplates or intends that such contracts, agreement, trades or transactions, shall be, or may be, closed, adjusted or settled, according to, or upon the basis of the public market quotations, of prices made on any board of trade or exchange, upon which the commodities or securities referred to in said contracts, agreements, trades or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange; or wherein both parties, or such keeper or proprietor, shall contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be, deemed closed or terminated when the public market quotation of prices made on such board of trade or exchange, for the articles or securities named in said contracts, agreements, trades or transactions, shall reach a certain figure; and also any office, store, or other place, where the keeper or proprietor thereof, either in his or its behalf, or as agent, as aforesaid, therein makes or offers to make, with others, contracts, trades or transactions for the purchase or sale of

any such commodity, wherein the parties thereto do not contemplate the actual or bona fide receipt or delivery of such property, but do contemplate a settlement thereof based upon differences in the prices at which said property is, or is claimed to be bought and sold. The said crime shall be complete against any proprietor or keeper thus offering to make any such contracts, trades or transactions, whether such offer is accepted or not. It is the intention of this act to prevent, punish and prohibit, within this state, the business now engaged in and conducted in places commonly known and designated as "bucket shops," by persons, corporations, associations or copartnerships, who or which ostensibly carry on the business or occupation of commission merchants or brokers in grain, provisions, petroleum or stocks and bonds. ('05 c. 133 § 1)

8992. Same—Bucket shop prohibited—Penalties—It shall be unlawful for any corporation, association, copartnership or person to keep or cause to be kept, within this state, any bucket shop; and any corporation or person, whether acting individually or as a member, or as an officer, agent or employé of any corporation, association, or copartnership, who shall keep, or assist in the keeping of any bucket shop within this state, shall, upon conviction thereof, be fined in a sum not less than five hundred dollars and not more than two thousand dollars, and be imprisoned in the county jail until such fine is paid, not exceeding one year; and any person or persons who shall be guilty of a second offense under this statute, in addition to the penalty above prescribed, shall, upon conviction, be imprisoned in the county jail for a period of not less than thirty days, and not more than ninety days, and if a corporation, shall be liable to forfeiture, of its charter; and the continuance of such establishment after the first offense, shall be deemed a second offense. ('05 c. 133 § 2)

8993. Same—Accessories—Any corporation, association, copartnership or person who shall communicate, receive, exhibit or display, in any manner, any statements of quotations of the prices of any property mentioned in section one [8991] hereof, with a view to any transaction in this act prohibited, shall be deemed an accessory, and upon conviction thereof shall be fined and punished the same as the principal, and as provided in section two [8992] of this act. ('05 c. 133 § 3)

8994. Same—Duty of commission merchants and brokers—Statement—Evidence—It shall be the duty of every commission merchant, copartnership, association, corporation or broker, doing business as such, to furnish to every customer or principal for whom such commission merchant, broker, copartnership, corporation or association has executed any order, for the actual purchase or sale of any of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which the same was either bought or sold; and in case such commission merchant, broker, copartnership, corporation or association fails to properly furnish such statement, the fact of such failure shall be prima facie evidence that such property was not sold or bought in a legitimate manner. ('05 c. 133 § 4)

8995. Gift enterprises prohibited—All gift enterprises, as hereinafter defined, and all trade practices carried on in connection therewith are hereby prohibited and declared to be unlawful. ('09 c. 142 § 1)

Historical—"An act to define gift enterprises and to provide a penalty for carrying on the same." Approved April 5, 1909.

See §§ 8999-9002.

Constitutional exercise of police power, in so far as it prohibits issuing trading stamps or tickets to be redeemed in articles of merchandise in any manner which depends upon chance, uncertainty, or contingency. Restrictions of act, as applied to facts, held not justified (110-378, 126+120, 30 L. R. A. [N. S.] 966).

8996. Same—Gift enterprises defined—Whenever two or more persons enter into any contract, arrangement or scheme, whereby for the purpose of inducing the public to purchase merchandise or other property of one of the parties to said scheme, any other party thereto, for a valuable consideration and as a part of such scheme, advertises and induces or attempts to induce the public to believe that he will give gifts, premiums or prizes to persons purchasing such merchandise or other property of such other party to said scheme, and that

stamps or tickets will be given by the seller in connection with such sales entitling the purchaser of such property to receive such prizes or gifts from any other party to such scheme, the parties so undertaking and carrying out such scheme shall be deemed to be engaged in a "gift enterprise," unless the articles or things so promised to be given as gifts or premiums with or on account of such purchases, shall be definitely described on such stamp or ticket and the character and value of such promised prize or gift fully made known to the purchaser of such merchandise or other property at the time of the sale thereof, and unless the right of the holder of such stamp or ticket to the gift or premium so promised, becomes absolute upon the completion upon the delivery thereof without the holder being required to collect any specified number of other similar stamps or tickets and to present them for redemption together, and the right of the holder of such stamp or ticket to the prize or gift so offered is absolute, and does not depend on any chance uncertainty or contingency whatever. ('09 c. 142 § 2)

8997. Same—Engaging in gift enterprise, etc.—Penalty—Any person who engages in a gift enterprise such as is defined in this act or who advertises the same in any manner, or who in furtherance of such scheme, as an inducement to purchasers issues in connection with the sale of any merchandise or other property any such ticket or stamp purporting to be redeemable in some indefinite article not described thereon, only when presented with a collection of other stamps or tickets of like kind, by some other party to such scheme, and which, unless presented in the manner aforesaid is not redeemable at all, shall each and all be guilty of a misdemeanor. ('09 c. 142 § 3)

8998. Same—"Person" defined—The word "person" as used in this act, may in proper cases in order to make the intent and meaning of the law effective, be construed to mean firm or corporation. ('09 c. 142 § 4)

8999. Gift enterprises prohibited—All gift enterprises as hereinafter defined and all trade practices carried on in connection therewith are hereby prohibited and declared to be unlawful. ('13 c. 374 § 1)

Historical—"An act to define gift enterprise and providing a penalty for carrying on the same."

See §§ 8995-8998.

9000. Same—Gift enterprise defined—Whenever any person for the purpose of inducing the public to subscribe for or buy any newspaper, magazine or periodical, for a valuable consideration, offers and advertises to give a premium, gift or prize, or offers and advertises any contest whatever, whereby a premium, gift or prize is to be given to any person or persons procuring such sale or subscription, the person so undertaking and carrying on such scheme or contest and offering such gift, premium or prize shall be deemed to be engaged in a "gift enterprise," unless such premium, gift or prize is absolute and does not depend upon any chance or contingency whatever. ('13 c. 374 § 2)

9001. Same—Penalty—Any person who engages in a gift enterprise such as is defined in this act or who offers or advertises the same in any manner, shall be guilty of a misdemeanor. ('13 c. 374 § 3)

9002. Same—"Person" defined—The word "person" as used in this act, may in order to make the intent and meaning of this law effective, be construed to mean firm or corporation. ('13 c. 374 § 4)

9003. Peace officers to be voters—Penalty—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; provided, however, that nothing in this section shall be held to prohibit the appointment of females who are qualified voters under section eight of article seven of the constitution of Minnesota, to be police women, special police women, or detectives, in any incorporate city when the same shall be authorized by the governing body thereof. (R. L. § 5171, amended '13 c. 236 § 1)

9004. 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. (5172)

9005. 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. (5173)

9006. 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. (5174)

9007. 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. (5175)

9008. 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 or more than fifteen years. (5176)

9009. 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. (5177)

9010. 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. (5178)

9011. 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. (5179)

9012. 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. (5180)

9013. Desecration of Memorial Day—That the desecration of "Memorial Day," the thirtieth (30th) day of May of each year, by the playing of games of ball, cricket, football, and other like games, or by horse racing, bicycle racing, automobile racing, or any other sports calculated to attract attention to such games or sports and away from the memorial character of said day, within one-half mile of the place where memorial exercises are in progress, is hereby prohibited and made unlawful during the hours from 10 o'clock in the forenoon to 3 o'clock in the afternoon of said day, and all saloons and other places where intoxicating liquors are sold, shall be closed on said day between the hours of 10 o'clock in the forenoon and 3 o'clock in the afternoon, in all cities, villages and towns where memorial exercises are held. ('07 c. 25 § 1)

9014. Same—Penalty—Any person guilty of a violation of section 1 [9013] of this act shall be deemed guilty of a misdemeanor, and punishable accordingly. ('07 c. 25 § 2)

9015. 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. (5181)

9016. 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. (5182)

93-311, 101+306.

9017. 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 possession 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. (5183)

9018. **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. (5184)

9019. **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. (5185)

Constitutional (58-35, 59+545, 25 L. R. A. 759).

9020. **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. (5186)

9021. **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. (5187)

9022. **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. (5188)

9023. **Fumigating grain to change color—Penalty**—Any person who shall sell or offer for sale, or for shipment and sale, any barley or other grain,

which shall have been subjected to fumigation, or other treatment by sulphur or other material, or to any other chemical process, affecting the color thereof, 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; provided, that barley and oats may be purified by fumigation, or treatment with sulphur, under such restrictions, rules and regulations as the railroad and warehouse commission shall prescribe for such purpose, and when so purified may be sold and marketed as "Purified Barley" or as "Purified Oats," and not otherwise. (R. L. § 5189, amended '07 c. 213 § 1)

9024. 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. (5190)

9025. 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. (5191)

9026. 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. (5192)

9027. 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. (5193)

9028. 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 §§ 9026, 9027 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. (5194)

9029. 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. (5195)

9030. "Vagrants" defined—How punished—The following persons are vagrants:

1. A person, who, being an habitual drunkard, abandons, neglects or refuses to aid in the support of his family.

2. A person who has contracted an infectious or other disease in the practice of drunkenness or debauchery, requiring charitable aid to restore him to health.

3. Every male person who lives wholly or in part on the earnings of prostitution, or who in any public place solicits for immoral purposes. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be deemed to be living on the earnings of prostitution.

4. A common prostitute who shall be found wandering about the streets, or loitering in or about any restaurant, lodging house, saloon, or place where intoxicating liquors are sold.

5. Every female who shall be found wandering about the streets and addressing male persons for the purpose of soliciting the commission of any lewd, indecent or unlawful act, or for the purpose of enticing any male person into a house of prostitution or assignation, bedhouse, room, or other place for any unlawful purpose.

6. Fortune tellers, and such other like imposters.

7. A person known to be a pickpocket, thief, burglar, "yeggman" or "confidence man," and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, railroad yard, banking institution, broker's office, place of public amusement, hotel, auction room, store, shop, or crowded thoroughfare, car or omnibus, or at any public gathering or assembly. Provided, however, that this act shall not apply to any such person, unless he has been convicted of the offense which would make him known as such person, and shall not apply to any person who has been in prison for such offense, who, after being released from such imprisonment has been engaged in lawful employment, and shall not in any case apply to any such person until more than thirty days have elapsed since being released from such imprisonment.

8. A person engaged in practicing or attempting any trick or device to procure money or other thing of value, if such trick or device is made a public offense by any law of this state, or any person engaged in soliciting, procuring or attempting to solicit or procure money or other thing of value by falsely pretending and representing himself to be blind, deaf, dumb, without arms or legs, or to be otherwise physically deficient or to be suffering from any physical defect or infirmity.

Every such person shall upon conviction thereof be punished by imprisonment not exceeding ninety (90) days; or by a fine not exceeding one hundred dollars (\$100.00). ('09 c. 487, amended '11 c. 257 § 1)

9031. **Selling tickets to theatres, etc., at greater price**—No person, firm, or corporation shall sell or offer or expose for sale any tickets of admission to any theatre, opera, concert, athletic contest, or other public entertainment at a greater price than the same are being sold for or offered for sale by the management of the same. ('13 c. 521 § 1)

9032. **Same—Penalty for violation**—Violation of this act shall be punishable by a fine of not less than ten (10) dollars, or more than one hundred (100) dollars, or imprisonment in the county jail for not less than ten (10) days or more than ninety (90) days. ('13 c. 521 § 2)

CHAPTER 104

CRIMINAL PROCEDURE

SEARCH WARRANTS

9033. **When issued**—Whenever complaint shall be made on oath, to any magistrate authorized to issue warrants in criminal cases, that personal property has been stolen or obtained by false tokens or pretences, and that the complainant believes that it is concealed in any particular house or place,