

GENERAL STATUTES
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1923

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CHAPTER 98

CRIMES AGAINST MORALITY, DECENCY, ETC.

RAPE—ABDUCTION—CARNAL ABUSE, ETC.

10124. Rape—Rape is an act of sexual intercourse with a female not the wife of the perpetrator, committed against her will or without her consent. Every person who shall perpetrate such an act of sexual intercourse with a female of ten years or upwards, not his wife—

1. When through idiocy, imbecility, or any unsoundness of mind, either temporary or permanent, she is incapable of giving consent;

2. When her resistance is forcibly overcome;

3. When her resistance is prevented by fear of immediate and great bodily harm, which she has reasonable cause to believe will be inflicted upon her;

4. When her resistance is prevented by stupor or by weakness of mind produced by an intoxicating, narcotic, or anaesthetic agent administered by or with the privity of the defendant; or

5. When she is at the time unconscious of the nature of the act, and this is known to the defendant—

Shall be punished by imprisonment in the state prison for not less than seven nor more than thirty years. (4926) [8655]

1. **What constitutes**—39-277, 39+497, 796; 41-285, 43+5; 145-278, 196+985.

2. **Resistance**—99-123, 108+851.

3. **Indictment**—41-134, 43+324; 73-140, 76+33. Under former statute (6-279, 190).

4. **Evidence**—Held sufficient (103-428, 115+275). Held insufficient (105-410, 117+617). Corroborating testimony held insufficient (99-123, 108+851).

5. **Instructions**—Held sufficient (103-428, 115+275). See 109-270, 123+74.

6. **Assault with intent to commit rape**—35-182, 28+192; 41-285, 43+5; 133-425, 158+793; 149-134, 182+961.

10125. Carnal knowledge of children—Every person who shall carnally know and abuse any female child under the age of eighteen years shall be punished as follows:

1. When such child is under the age of ten years, by imprisonment in the state prison for life.

2. When such child is ten and under the age of fourteen years, by imprisonment in the state prison for not less than seven nor more than thirty years.

3. When such child is fourteen and under the age of eighteen years, by imprisonment in the state prison for not more than seven years, or by imprisonment in the county jail for not more than one year. (R. L. § 4927, amended '09 c. 92 § 1) [8656]

1. **Validity and scope of statute**—76-526, 79+518; 80-216, 83+141. Cited (118-170, 136+746).

2. **What constitutes**—93-393, 101+499. See 83-78, 82, 85+911; 114-493, 131+629.

3. **Indictment**—81-134, 83+512; 149-297, 183+669; 196+645.

4. **Assault with intent to commit**—90-526, 97+131.

5. **Prosecutrix not accomplice**—151-318, 186+580.

10126. Physical ability, etc.—No conviction for rape shall be had against one under the age of fourteen years at the time of the alleged act, unless his physical ability to accomplish penetration is proved as an independent fact, beyond a reasonable doubt. In all cases of rape any sexual penetration, however slight, is sufficient to complete the crime. (4928) [8657]

80-216, 83+141; 93-393, 101+499.

10127. Compelling woman to marry—Every person who, by force, menace, or duress, shall compel a woman against her will to marry him, or to marry any other person, or to be defiled, shall be punished by imprisonment in the state prison for not less than three nor more than thirty years, or by a fine of not more than one thousand dollars, or by both. (4929) [8658]

10128. Abduction—Evidence—Every person who—

1. Shall take a female under the age of eighteen years, for the purpose of prostitution or sexual intercourse, or, without the consent of her father, mother, guardian or other person having legal charge of her person, for the purpose of marriage;

2. Shall inveigle or entice an unmarried female under the age of twenty-five years, of previous chaste character, into a house of ill fame or assignation, or elsewhere for the purpose of prostitution or sexual intercourse;

3. Shall take or detain a woman unlawfully against her will, with intent to compel her by force, menace, or duress to marry him or any other person, or to be defiled, or,

4. Being parent, guardian, or other person having legal charge of the person of a female under the age of eighteen years, shall consent to her taking or detention by any person for the purpose of prostitution or sexual intercourse—

Shall be guilty of abduction and punished by imprisonment in the state prison for not more than five years, or by a fine of not more than one thousand dollars, or both. But no conviction shall be had for abduction or compulsory marriage upon the unsupported testimony of the female abducted or compelled. (R. L. § 4930, amended '09 c. 92 § 2) [8659]

1. **What constitutes**—38-21, 35+712; 38-154, 36+102; 47-559, 50+691. Gist of offense (99-54, 108+812). 188-558, 196+930.

2. **Indictment**—38-21, 35+712; 47-559, 50+691; 99-54, 108+812.

3. **Corroboration**—47-559, 50+691.

10129. Enticement into state for prostitution, etc.—It shall be unlawful for any person to induce, entice or procure, or attempt to induce, entice or procure to come into this state, any female person for the purpose of prostitution or concubinage, or for any other immoral purpose, or to induce, entice or procure any female person in this state to enter any house of ill fame, assignation or prostitution. ('09 c. 404 § 1) [8660]

Offense is committed in this state if in consequence of enticements here female enters resort in another state. Indictment sufficient (118-64, 136+419).

10130. Penalty—Any person who violates the provisions of this act shall, upon conviction thereof, be punished by imprisonment in the state prison for a period of not more than ten (10) years. ('09 c. 404 § 2, amended '11 c. 202 § 1) [8661]

10131. Seduction under promise of marriage—Evidence—Every person who, under promise of marriage, shall seduce and have sexual intercourse with an unmarried female of previous chaste character, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than one thousand dollars, or by both. But no conviction shall be had for the offense specified herein upon the unsupported testimony of the female seduced. The subsequent intermarriage of the parties, or the lapse of two years after the commission of the offense before the finding of an indictment, shall be a bar to a prosecution for a violation of this section. (4931) [8662]

1. **Indictment**—27-52, 6+404; 41-41, 42+543; 41-196, 42+933; 100-12, 110+100; 112-108, 127+438.

2. **Corroboration**—4-325, 241; 34-285, 25+642; 41-196, 42+933; 50-363, 52+958, 36 Am. St. Rep. 656; 112-108, 127+438.

3. **Proof of chaste character**—4-325, 241; 34-285, 25+642; 41-196, 42+933; 50-363, 52+958; 112-108, 127+438.

4. **Proof of promise**—4-325, 241; 34-285, 25+642; 112-108, 127+438. Includes any promise absolute or conditional effect of which is to induce female to consent to intercourse (100-12, 110+100).

5. **Proof of intercourse**—4-325, 241; 41-196, 42+933.

6. **Want of chastity**—4-325, 241; 34-285, 25+642; 50-363, 52+958. 36 Am. St. Rep. 656; 112-108, 127+438.

7. **Offer of marriage**—50-363, 52+958.

10132. Indecent assault—Every person who shall take any indecent liberties with or on the person of any female, not a public prostitute, without her consent expressly given, and which acts do not in law amount to rape, an attempt to commit a rape, or an assault with intent to commit a rape, and every person who shall take such indecent liberties with or on the person of any female under the age of fourteen years, without regard to whether she shall consent to the same or not, shall be guilty of a felony. (4932) [8663]

39-321, 40+249; 90-526, 97+131; 151-261, 186+574; 196+645.

10133. Soliciting boy under 18 to house of ill fame, etc.—Any person who shall solicit any boy under the age of eighteen years to visit a house of ill fame or assignation for the purpose of prostitution or sexual intercourse, or shall direct or accompany such boy to any such house of ill fame or assignation for such purpose, or shall arrange or assist in arranging any meeting for such purpose between any boy under the age of eighteen years and any female of dissolute character or any inmate of any house of ill fame or assignation, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for not less than six months nor more than five years. ('07 c. 320 § 1) [8664]

10134. Admitting or cohabiting—Any keeper of any house of ill fame or assignation who shall for any unlawful purpose admit to such house any boy under the age of eighteen years, or any female inmate of any such house of ill fame or assignation who shall cohabit with any boy under the age of eighteen years, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for not less than eighteen months nor more than seven years. ('07 c. 320 § 2). [8665]

CRIMES AGAINST CHILDREN, ETC.

10135. Desertion of child or pregnant wife—Every parent or other person having legal responsibility for the care or support of a child who is under the age of sixteen years and unable to support himself by lawful employment, who deserts and fails to care for and support such child with intent wholly to abandon him; and every husband who, without lawful excuse, deserts and fails to support his wife, while pregnant, with intent wholly to abandon her is guilty of a felony and upon conviction shall be punished therefor by imprisonment in the state prison for not more than five years. Desertion of and failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon. (R. L. '05 § 4933, amended '11 c. 144 § 1; '15 c. 336 § 1; '17 c. 213 § 1) [8666]

148-389, 182+452; 151-382, 186+812; 195+901.

10136. Failure to support wife or child—Every man who, without lawful excuse wilfully fails to furnish proper food, shelter, clothing or medical attendance to his wife, such wife being in destitute circumstances; and every person having legal responsibility for the care or support of a child who is under sixteen years of age and unable to support himself by lawful employment, who wilfully fails to make proper provision for such child, is guilty of a misdemeanor. But if any person convicted under this section gives bond to the state, in such amount and with such sureties as the court prescribes and approves, conditioned to furnish

the wife or child with proper food, shelter, clothing, and medical attendance for such a period, not exceeding five years, as the court may order, judgment shall be suspended until some condition of the bond is violated. The bond may, in the discretion of the court, be conditioned upon the payment of a specified sum of money at stated intervals. Upon the filing of an affidavit showing the violation of any of the conditions of the bond, the accused shall be heard upon an order to show cause, and, if the charge be sustained, the judgment shall be executed. The wife or child, and any person furnishing necessary food, shelter, clothing, or medical attendance to either, may sue upon the bond for a breach of any condition thereof. (R. L. '05 § 4934, G. S. '13 § 8667, amended '17 c. 213 § 2)

91-165, 97+671; 149-62, 182+717; 189+124; 129-389, 152+762.

10137. Prosecution—On complaint being made in writing and under oath by the wife or any reputable person to a justice of the peace or judge of a municipal court, accusing any person of the offense defined in section 10136, the justice or judge shall issue his warrant against the person accused, directed to the sheriff or constable of the county, commanding him forthwith, to bring such accused person before the justice or judge to answer such complaint. ('03 c. 222 § 1, amended '05 c. 217 § 1; '17 c. 213 § 3) [8668]

10138. Proof of relationship—In any prosecution for desertion of or failure to support a wife or child no other or greater evidence shall be required to prove the relationship of the defendant to such wife or child than is or shall be required to prove such relationship in civil action. ('03 c. 222 § 1, amended '05 c. 217 § 1; '17 c. 213 § 4) [8668-A]

10139. Endangering life, health, or morals of minors—Every person having the care or custody of a minor who—

1. Shall wilfully cause or permit his life to be endangered, his health to be injured, or his morals to become depraved; or who

2. Shall wilfully cause or permit such minor to be placed in a situation, or to engage in an occupation, which will be likely to endanger his life, injure his health, or impair his morals—

Shall be guilty of a gross misdemeanor. (4935)

[8669]
140-259, 167+1035.

10140. Keepers of public places to exclude minors—Whoever permits any person under the age of twenty-one years to be or remain in any dancehouse, concert saloon, place where intoxicating liquors are sold or given away, or any place of entertainment injurious to the morals, owned, kept, or managed by him in whole or in part, or shall permit any person under the age of twenty-one years to play any game of skill or chance in any such place, shall be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five dollars. (4936) [8670]

Constitutional. "Dance house" defined. Complaint (111-301, 126+1068).

10141. Minors—Gaming by prohibited, where—How punished—All persons under the age of twenty-one years are prohibited from playing pool or billiards or cards in any saloon or room connected therewith, or in any restaurant or public place of amusement in which tobacco, confectionery, or drinks of any kind, except water, are in any manner disposed of; and every keeper or person in charge of any such place who shall permit or suffer any person under the age of twenty-one years to play pool, billiards, or cards therein shall be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days. (4937) [8671]

10132
29 — 27
173m 221
173m 305
217nw 108
217nw 120
222nw 98
157-M 410
10135
157-M 251
10140
157-M 69
195-NW 764
10132
394
10135-37
168-M 37
10135-37
9-NW 529
9-NW 901
10135-36
228nw 337
10135
31 — 94
10136
227nw 896
8604
174m 608
219m 452
221nw 911
9110
10136
246nw 366

10142. Minors unaccompanied, etc.—Playing pool, billiards, or bowling prohibited, where—How punished—Any person under the age of eighteen years or who is a minor pupil in any school, college or university is prohibited from playing pool, billiards or ten pins or bowling whether on a ten pin alley or a box ball alley in any public pool or billiard room or bowling alley or in any public place of business, unless accompanied by his parent or guardian, and any person under the age of eighteen years or who is a minor pupil in any school, college or university who shall engage in any game of pool or billiards or bowling in any such place, or frequent or loiter within any pool or billiard room or bowling alley, or any public place of business where pool, billiards or bowling are played, unless accompanied by his parent or guardian, shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding ten dollars. ('13 c. 572 § 1) [8672]

10143. Keepers of public places to exclude—Penalty—Every keeper or person in charge of any pool or billiard room, public bowling alley or public place of business where pool, billiards or bowling are played who shall permit or allow any person under the age of eighteen years or any minor pupil of any school, college or university to play any of said games, therein, or to gather in, loiter or frequent any such place unless accompanied by his parent or guardian, shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five (\$25.00) dollars or by imprisonment in the county jail not exceeding thirty (30) days. ('13 c. 572 § 2) [8673]

10144. Use of tobacco by minors—Every person under the age of eighteen years, and every minor pupil in any school, college, or university, who shall smoke or use cigarettes, cigars, or tobacco in any form on any public road, street, alley, park, or other lands used for public purposes, or in any public place of business, shall be guilty of a misdemeanor, and punished for each offense by a fine of not more than ten dollars, or by imprisonment in the county jail for not more than five days; and every person who shall furnish any cigarettes, cigars, or tobacco in any form to any such minor person, or who shall permit any such minor person to frequent any premises owned, held, or managed by him, for the purpose of indulging in the use of cigarettes, cigars, or tobacco in any form, shall be guilty of a misdemeanor, and punished by a fine of not more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, for each offense. (4938) [8674]

10145. Minors—Sale of tobacco to—Any person within this state who sells, gives to, or in any way furnishes any cigarettes, cigars or tobacco in any form to any person under eighteen years of age, or to any minor pupil in any school, college or university, shall be punished by a fine not to exceed fifty dollars or imprisonment in the county jail not to exceed thirty days for each offense. ('07 c. 386 § 2) [8675].

For section 1, see 10457. Section 6 repeals inconsistent acts, etc.

10146. Use of tobacco in public place—Arrest—Penalty—Evidence—Any person under eighteen years of age, any minor pupil, as described in section two [10145] of this act, who shall smoke or use cigarettes, cigars or tobacco in any form on any public highway, street, alley, park or other lands used for public purposes, or in any public place of business, shall be arrested by an officer of the law, who may be cognizant of such offense; and further, it shall be the duty of all such officers, upon complaint of one citizen, to arrest such offenders and take them before the proper court. The court shall impose a punishment at its discretion in the sum of not to exceed ten dollars, or imprison-

ment in the county jail not to exceed five days for each offense; provided, if said minor person shall give information which may lead to the arrest of the person or persons violating section two [10145] of this act, in giving or selling to, or in any way furnishing said minor person tobacco, and shall give evidence as a witness in such proceedings against said party or parties, the court shall have power to suspend sentence against such minor person. ('07 c. 386 § 3) [8676]

10147. Harboring, etc.—Any person who harbors or grants to persons under eighteen years of age, or to minor pupils as described in section two [10145] of this act, privilege or gathering upon or frequenting any property or lands held by him, for the purpose of indulging in the use of cigarettes, cigars or tobacco in any form, shall be held in the same penalty as provided for in section two [10145] of this act; provided, that no part of this act shall be so construed as to interfere with the rights of parents or lawful guardians in the rearing and management of their minor heirs or wards, within the bounds of their own private premises. ('07 c. 386 § 4) [8677]

10148. Powers of grand jury—Be it further enacted that grand juries shall have inquisitorial powers over offenses committed under this act. ('07 c. 386 § 5) [8678]

10149. Liquors in school grounds or houses—Any person who shall introduce upon, or have in his possession upon, or in, any school ground, or any school house or school building any spirituous or malt liquors, except for experiments in laboratories, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars (\$25.00) or imprisonment for ten (10) days, in the county jail. ('13 c. 415 § 1) [8679]

10150. Sale of liquor or cigarettes, etc., within mile of certain institutions—Any person who shall sell any intoxicating liquor or cigarettes, or maintain a drinking place, within one mile of the university farm of the school of agriculture of the University of Minnesota, located in Ramsey county, Minnesota, on section 21, township 29, and range 23 west, or shall aid or abet another in either of such acts, shall be guilty of a gross misdemeanor and shall be punished for the first offense with a fine of not more than \$100.00 or imprisonment for not less than sixty days nor more than ninety days; for each subsequent offense, by a fine of not less than \$500.00 nor more than \$1,000.00, or by imprisonment in the county jail for not less than six months nor more than one year, or by both. ('07 c. 378 § 1) [8680]

10151. Sale of liquor or cigarettes within 1,000 feet of certain institutions—Any person who shall sell or dispose of any intoxicating liquor or cigarettes at retail, or who shall maintain or assist in maintaining any place where such articles or subjects of commerce are kept for sale or disposal, and any person who shall maintain any pool or billiard room or bowling alley, or any place of amusement where persons are permitted to assemble or loiter within one thousand (1,000) feet of any of the following named state institutions, to-wit:

The St. Peter state hospital for the insane, the Rochester state hospital for the insane, the Fergus Falls state hospital for the insane, the first state asylum for the insane at Anoka, Minnesota, the second state asylum for the insane at Hastings, Minnesota, the state training school at Red Wing, Minnesota, the Minnesota home school for girls at Sauk Centre, Minnesota, the state reformatory at St. Cloud, Minnesota, the state prison at Stillwater, Minnesota, the state public school at Owatonna, Minnesota, the state sanitarium for consumptives at Walker, Minnesota, the

hospital for crippled and deformed children at St. Paul, Minnesota, and the state hospital for inebriates at Willmar, Minnesota, shall be guilty of a gross misdemeanor. Provided that the provisions of this act shall not apply to any manufacturer of intoxicating liquors or drug store whose place of manufacture or business is at the time of the passage of this act located within one thousand feet of any of the institutions herein named or the grounds thereof. Provided further, that the provisions of this act shall not apply to any person lawfully licensed to sell intoxicating liquors, nor to the premises so licensed, located at the time of the passage of this act within one thousand feet of any of the institutions herein named and the grounds and premises thereof. No license for the doing of any of the things herein prohibited shall be granted by the governing body of any town, county or municipality. ('13 c. 507 § 1) [8681]

10152. Certain employments of minors prohibited— Every person who shall employ or cause to be employed, exhibit, or have in his custody for exhibition or employment, any minor actually or apparently under the age of eighteen years; and every parent, relative, guardian, employer, or other person having the care, custody, or control of any such minor, who shall sell, let out, give away, or in any way procure or consent to the employment of such minor—

1. As a rope or wire walker, dancer, gymnast, contortionist, rider, or acrobat;
2. In begging, receiving alms, or in any mendicant occupation;
3. In any indecent or immoral exhibition or practice;
4. In any practice or exhibition dangerous or injurious to life, limb, health, or morals;
5. In labor of any kind outside the family of his residence before 7 o'clock a. m. or after 6 o'clock p. m.; or
6. As a messenger for delivering letters, telegrams, packages, or bundles to any known house of prostitution or assignation—

Shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars, or by imprisonment in the county jail for not less than thirty days, or by both. (4939) [8682]

10153. Cruelty to children—Every person who shall torture, torment, or cruelly or unlawfully punish any child under the age of eighteen years, or who shall commit any act of cruelty toward such child, shall be guilty of a misdemeanor. (R. L. '05 § 4940, G. S. '13 § 8683, amended '17 c. 240 § 1)

10154. Distribution of certain literature among minors prohibited—No person shall sell, lend, give away, show, advertise or otherwise offer for loan, gift, sale or distribution to any minor under the age of eighteen years, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication or largely made up of criminal news, police reports, accounts of criminal deeds, or pictures or stories of deeds of bloodshed, lust or crime; nor shall any person hire, use or employ a minor under the age of eighteen years to sell or give away, or in any manner distribute, or permit any such minor in his custody or control to sell, give away or in any manner distribute, any material herein described. ('17 c. 242 § 1)

10155. Penalty—Any person who violates any provision of this act is guilty of a misdemeanor. ('17 c. 242 § 2)

10156. Unlawful confinement of idiots—Misdemeanor for unlawful confinement of feeble-minded persons—Every person who shall confine a lunatic, insane or feeble-minded person in any other manner or in any other place than is authorized by law, or who shall be

guilty of harsh, cruel, or unkind treatment of, or neglect of duty toward, any feeble-minded person, lunatic or insane person under confinement, whether lawfully or unlawfully confined, shall be guilty of a misdemeanor. (R. L. '05 § 4941, G. S. '13 § 8684, amended '17 c. 209 § 1)

HABITUAL OFFENDERS

10157. Habitual offenders defined—Penalties— Every person who shall hereafter be guilty of being a vagrant or of unlawfully selling, giving to another or using any drug or narcotic, or of any unlawful, lewd or lascivious behavior or public indecency, or of any criminal offense against women or children as defined in Section 8666 or 8667 of the General Statutes for 1913, [10135, 10136] or of any misdemeanor or gross misdemeanor involving moral turpitude, who within the previous period of five years shall have been twice convicted in this state of one or more of the offenses hereinbefore named shall be guilty of being a habitual offender and shall be punished for such third offense, if a woman by imprisonment in the State Reformatory for Women, and if a man between the ages of eighteen and thirty years by imprisonment in the State Reformatory at St. Cloud, and if a man above the age of thirty years by imprisonment in the State Prison at Stillwater, for a term not exceeding three years. ('21 c. 455 § 1)

10158. Certified copy of record to be prima facie evidence—A duly certified copy of the record of a conviction and judgment of any court in this state against the person indicted or complained of shall be prima facie evidence of such former conviction, and may be used in evidence against such person. ('21 c. 455 § 2)

10159. Prisoners subject to parole—Any person so committed to the State Reformatory for Women or the State Reformatory at St. Cloud, or the State Prison at Stillwater, shall be subject, except as herein otherwise provided, to parole and discharge by the State Board of Parole as in the case of other persons subject to parole and discharge by said Board. ('21 c. 455 § 3)

10160. Not to be paroled nor discharged until examined—No person convicted hereunder shall be paroled or discharged until he shall have been first examined by a licensed physician, and if it appears that such person has a venereal or other infectious disease, the board of parole in granting a parole or discharge, shall include in the conditions of said parole or discharge, a condition requiring suitable medical treatment of such person by a duly licensed physician under a supervision of the State Board of Health. ('21 c. 455 § 4)

DANCE HALLS

10161. Definition—A public dancing place, as the term is used in this act, shall be taken to mean any room, place or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment either directly or indirectly of an admission fee or price for dancing. A public dance, as the term is used in this act, shall be taken to mean any dance wherein the public may participate by payment, either directly or indirectly, of an admission fee or price for dancing or a fee for a membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly. Wherever used in this act the term "intoxicating liquor" and "liquor," "sell" and "sale" shall be given the same meaning, respectively, as is prescribed therefor in Section 1 of Chapter 455 Laws of Minnesota for 1919, and acts amendatory thereof. ('23 c. 139 § 1)

10152R
388

10152R
29 — 234
4103

10161EtSeq.
222nw 575

10161
EtSeq.
176m 84
229nw 88
10171

10162. Proprietors must obtain permits—It shall be unlawful for any person to give, hold or conduct a public dance unless the owner or proprietor of the public dancing place, or the person giving the same or in charge thereof, shall first have procured a permit to hold, give and conduct such public dance from the public authorities hereinafter designated, as hereinafter provided. ('23 c. 139 § 2)

10163. Issuance of permit—In all cities and villages of this state said permit must be procured from the governing body of the municipality except when said public dancing place is owned by the municipality and the dance to be given or held therein is to be given by and under the supervision of the public authorities of said municipality. In all other cases such permit must be procured from the town board of the county in which said public dance is to be held. Such permits may be issued for one or more public dances or for a period of time not exceeding one year. Said permit shall be issued at a fee and under such conditions as such governing body or town board may prescribe, not inconsistent with the provisions of this act. Provided further, that in or for territory not included within an organized by-law or resolution prohibiting dances therein; provided further, that in or for territory not included within an organized town, city, village or borough, such permit shall be procured from the county board of the county within which such territory is situated, and in such case the county board and county auditor shall have the powers, functions and duties of town boards and town clerks respectively in this act provided. ('23 c. 139 § 3)

10164. Permit to be posted—Any person or persons desiring a permit to hold, give, or conduct a public dance shall make application therefor by filing with the city clerk, village recorder, or county auditor, as the facts may require, a verified application, setting forth the name and address of the person, persons, committee or organization who are to give, hold, and conduct the same, the time and place where said public dance is to be held, and the area of the dance floor where said dance is to be given. Said application shall thereupon be presented to said governing body or to said town board at its next meeting for action. Said governing body or said town board may refer said application to the chief peace officer of the municipality or to the sheriff of the county for investigation and report before granting the same. Said governing body or said town board shall thereupon act upon said application and either grant or reject the same. In case the same is granted, the governing body or the town board shall fix the fee to be paid by the applicant for such permit and shall direct the proper officers to issue the same upon the payment of said fee and upon payment of the expense of the investigation herein provided for in case such investigation is made. Said permit shall specify the names and addresses of the persons to whom issued, the amount paid therefor, and the time and place where said public dance is to be held. Said permit shall be posted in a public place in the dance hall described therein during the time the public dance mentioned therein is being given, and the persons named in said permit shall be responsible under the law for the manner in which said public dance is being held and conducted. Provided that such permit may be acted upon at any special meeting of said governing body or town board, whether included in the call for such special meeting or otherwise. ('23 c. 139 § 4)

10165. Application—All applications for such permit shall be made upon blanks furnished by the city, village, town or county as the case may be and shall be accompanied by the affidavit of two freeholders and

shall affirmatively show by the application and affidavits that the applicant is a person of good moral character and reputation in the community in which he lives and that the applicant has not, within five years prior to the making of such application, been convicted of a felony, gross misdemeanor, or of any of the provisions of this act, and no such application shall be granted to any person of bad character or who has been so convicted as aforesaid, nor to any person who is a keeper of any disorderly house of any kind nor for any place which has any direct or indirect communication with any room in which intoxicating liquor is sold, given away or otherwise used, nor for any place having any so-called "private apartments" or "private rooms" furnished or used for any other than legitimate business purposes which adjoin such dancing place or which may be reached by stairs, elevator or passageway leading from such dancing place. No permit shall be issued under the terms of this act unless the governing body or town board are satisfied that the place where said public dance is to be given or held is properly ventilated and equipped with necessary toilets, wash rooms, lighting facilities and that such place is not likely to become a public nuisance or detrimental to public morals. ('23 c. 139 § 5)

10166. Intoxicating liquors forbidden—No person shall suffer or permit any intoxicating liquor to be sold, given away, furnished or used in any public dancing place and no person shall in any such public dancing place or in any ante-room, corridor, cloak room, hallway, toilet, or dressing room thereof, or in any room connected therewith, or within one thousand feet of any entrance thereof, drink any intoxicating liquor; nor shall any person holding or giving said dance knowingly suffer or permit any person to drink any intoxicating liquor in violation of this act. Whenever it shall appear to the governing body of any municipality that intoxicating liquor is sold or that persons in attendance upon such dance drink intoxicating liquor within 1,000 feet of the entrance of such dancing place and that the licensee of such dancing place suffers or permits the same, or that the holding of such public dance at any such place causes or contributes thereto or is detrimental to public morals, then it shall be the duty of such governing body to revoke such permit. Provided this section shall be construed as cumulative and additional and as not modifying or affecting any law of this state relating to intoxicating liquor. ('23 c. 139 § 6)

10167. Immodest dances prohibited—No person or persons shall dance, nor shall any person to whom such permit is issued permit or suffer any person or persons to dance in any public dance hall any indecent or immodest dances, or any dance which is characterized by immodest motion of the body. No person shall in any public dance hall act or speak in rude, boisterous, obscene or indecent manner, nor shall any person to whom a permit has been issued suffer or permit any person to so act or speak therein. ('23 c. 139 § 7)

10168. Lights—Every public dancing place shall be brightly illuminated while in public use and dancing therein while the lights are extinguished, dimmed, or turned low so as to give imperfect illumination, is hereby prohibited. ('23 c. 139 § 8)

10169. Not to admit certain persons—No person to whom a permit has been issued shall permit to be or remain in any public dancing place any intoxicated person, any prostitute, any person of known immorality, or any unmarried person under the age of sixteen years, unless such person is accompanied by a parent or guardian, nor any unmarried person more than sixteen years and under the age of eighteen years unless such person is accompanied by a parent or guardian or

presents the written consent of his parent or guardian to the officer in charge of such dance, and every such written permit shall be retained by such officer. ('23 c. 139 § 9)

10170. **Officer must attend all public dances**—It shall be incumbent upon the person to whom said permit is issued to have an officer of the law present at every public dance to be given or held thereunder during all the time said public dance is being held. In the case of a public dance to be held or given in a municipality, said officer of the law shall be designated by the chief peace officer of the municipality. In all other cases said officer of the law shall be designated by the sheriff of the county. In all cases the fees and expenses of such officer of the law shall be paid in advance by the person to whom said permit has been issued. In case any person, not a public officer, shall be designated as such officer of the law, the person or persons to whom said permit has been issued shall be responsible for his acts and conduct and there shall be no liability for his acts and conduct on the part of the officer designating him under the provisions of this act. ('23 c. 139 § 10)

10171. **Hours**—All public dances to be held Saturday nights shall stop promptly at twelve P. M. In all other cases the public authorities issuing the permit herein provided for may, if it so desires, fix the time at which said public dance shall stop; and shall also have authority by ordinance, resolution or by-law to regulate and fix the hours of holding public dances or to prohibit the same on Sunday within the limits of the city, village or territory within which such public authority may grant permits for public dancing as herein provided. ('23 c. 139 § 11)

10172. **Disposition of fees**—All fees for permits hereunder shall be paid into the treasury of the municipality or into the county treasury, as the case may be. ('23 c. 139 § 12)

10173. **Revocation of permit**—The governing body or town board issuing a permit hereunder may at any time revoke the same and shall revoke any such permit held by any person convicted of violating any of the provisions of this act. Provided any five or more freeholders residing in any village having a population of not more than one thousand inhabitants, or in any town, may petition such town board or village council of any such town or village, setting forth that any dancing place for which a permit has been issued is being conducted contrary to law, whereupon it shall be the duty of such board or village council to hear and act upon such petition with ten (10) days after the same shall have been filed with the town clerk or village recorder, and in case any such petition shall be denied, or not acted upon, within said time, then any five (5) freeholders of such town or village may file a petition with the county board of the county, setting forth the facts. Thereupon it shall be the duty of such county board to hear and determine such petition and such board shall have power, and it shall be the duty of such board to revoke any such permit if it finds that such dancing place has been conducted contrary to law. It shall be the duty of the county attorney in each county to enforce the provisions of this act and prosecute all violations thereof. ('23 c. 139 § 13)

10174. **Violations a misdemeanor**—Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor. ('23 c. 139 § 14)

ABORTION, ETC.

10175. **Abortion, how punished**—Every person who, with intent thereby to produce the miscarriage of a woman, unless the same is necessary to preserve her

life, or that of the child with which she is pregnant, shall—

1. Prescribe, supply, or administer to a woman, whether pregnant or not, or advise or cause her to take, any medicine, drug, or substance; or,

2. Shall use, or cause to be used, any instrument or other means—

Shall be guilty of abortion, and punished by imprisonment in the state prison for not more than four years, or in a county jail for not more than one year. (4942) [8693]

22-238; 56-226, 57-652, 1065; 85-101, 88-417; 99-74, 108-333.

10176. **Pregnant woman attempting abortion**—A pregnant woman who takes any medicine, drug, or substance, or uses or submits to the use of any instrument or other means, with intent thereby to produce her own miscarriage, unless the same is necessary to preserve her life, or that of the child whereof she is pregnant, shall be punished by imprisonment in the state prison for not less than one nor more than four years. (4943) [8694]

10177. **Selling drugs, etc.**—Whoever shall manufacture, give, or sell an instrument, drug, or medicine, or any other substance, with intent that the same may be unlawfully used in producing the miscarriage of a woman, shall be guilty of a felony. (4944) [8695]

10178. **Evidence**—In any prosecution for abortion or attempting abortion, no person shall be excused from testifying as a witness on the ground that his testimony would tend to criminate himself. (4945) [8696]

10179. **Concealing birth—Second offense**—Every person who shall endeavor to conceal the birth of a child by any disposition of its dead body, whether the child died before or after its birth, shall be guilty of a misdemeanor; and every woman who, having been convicted of endeavoring to conceal the still-birth of any issue of her body, which if born alive would be illegitimate, or the death of such issue under the age of two years, shall, subsequent to such conviction, endeavor to conceal any such birth or death, shall be punished by imprisonment in the state prison for not more than five years. (R. L. '05 § 4946, G. S. '13 § 8697, amended '17 c. 231 § 1)

BIGAMY—ADULTERY, ETC.

10180. **Bigamy defined—How punished—Exceptions**—Every person who, having a husband or wife living, marries another person, or continues to cohabit with such second husband or wife in this state, shall be guilty of bigamy, and be punished by imprisonment in the state prison for not more than five years, provided that this section shall not extend—

1. To a person whose former husband or wife has been absent for five years successively then last past, without being known to him or her to be living, and believed to be dead; or

2. To a person whose former marriage has been pronounced void, or annulled or dissolved, by a court of competent jurisdiction. (4947) [8698]

25-29; 43-385, 45-848.

10181. **Punishment of consort**—Every person who knowingly enters into a marriage with another which is prohibited to the latter by § 10180 shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than one thousand dollars, or by both. (4948) [8699]

124-457, 145-167.

10182. **Incest**—Whenever any male and female persons, nearer of kin to each other than first cousins, computing by the rules of the civil law, whether of the half or the whole blood, shall have sexual intercourse together, each shall be guilty of incest, and be pun-

10170 321

10171 302
25 —
10175 298
201-NW

10175 132
161-M

10180
221aw 867
8580

ished by imprisonment in the state prison for not more than ten years. (4949) [8700]
55-464, 57+205, 123-128, 143+119.

10183. Crime against Nature—A person who carnally knows in any manner any animal or bird, or carnally knows any male or female person by the anus or by or with the mouth; or voluntarily submits to such carnal knowledge; or attempts sexual intercourse with a dead body, is guilty of sodomy, and is punishable with imprisonment in the state prison for not more than twenty years, and any sexual penetration, however slight, shall be sufficient to complete the crime. (R. L. '05 § 4950, amended '09 c. 270 § 1; '21 c. 224 § 1) [8701]

10184. Adultery—Whenever any married woman shall have sexual intercourse with a man, other than her husband, whether married or not, both shall be guilty of adultery, and punished by imprisonment in the state prison for not more than two years, or by a fine of not more than three hundred dollars; but no prosecution shall be commenced except on complaint of the husband or the wife, save when such husband or wife shall be insane, nor after one year from the commission of the offense. (4951) [8702]

41-50, 42+602; 57-225, 58+878. Under different statute (4-335, 251).
123-392, 143+971; 140-363, 168+174.

10185. Fornication—Whenever any man and single woman have sexual intercourse with each other, each is guilty of fornication and shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars.

A. If issue is conceived of fornication, and within the period of gestation or within sixty days after the birth of a living child the father absconds from the state with intent to evade proceedings to establish his paternity of such child, he is guilty of a felony and shall be punished by imprisonment in the state prison for not more than two years. (R. L. '05 § 4952, G. S. '13 § 8703, amended '17 c. 211 § 1; '19 c. 193 § 1)
23-352; 27-52, 6+404; 94-319, 102+722. Cited (103-428, 115+275). See 125-497, 147+663.

OBSCEINITY

10186. Exposure of person—Public indecency—Every person who shall wilfully and lewdly expose his person, or the private parts thereof, in any public place, or in any place where others are present, or shall procure another to so expose himself, and every person who shall be guilty of any open or gross lewdness or lascivious behavior, or any public indecency other than hereinbefore specified, shall be guilty of a misdemeanor, and punished by a fine of not less than five dollars, or by imprisonment in a county jail for not less than ten days. (4953) [8704]

10187. Obscene literature—Every person who—

1. Shall sell, lend, give away, or offer to give away, show, have in his possession with intent to sell, give away, show, advertise, or otherwise offer for loan, gift, sale or distribution, any obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, picture, drawing, photograph, or any article or instrument of indecent or immoral character; or who shall design, copy, draw, photograph, print, utter, publish, or otherwise prepare such a book, picture, drawing, paper, or other article; or write or print, or cause to be written or printed a circular, advertisement, or notice of any kind, or give oral information stating when, where, how, or of whom or by what means such an indecent or obscene article or thing can be purchased or obtained; or

2. Shall exhibit upon any public road, street, or other place within view of any minor any of the books, papers, or other things hereinbefore enumerated; or

3. Shall hire, use, or employ any minor to sell or give away, or in any manner distribute, or shall permit any minor in his custody or control to sell, give away, or in any manner distribute, any of the articles hereinbefore mentioned—

Shall be guilty of a gross misdemeanor, and be punished by imprisonment in the county jail for not more than one year nor less than ninety days, or by a fine not less than one hundred dollars nor more than five hundred dollars, or by both. (R. L. '05 § 4954, G. S. '13 § 8705, amended '17 c. 241 § 1)

10188. Indecent articles, etc.—Every person who shall sell, lend, or give away, or in any manner exhibit, or offer to sell, lend, or give away, or have in his possession with intent to sell, lend, give away, or advertise or offer for sale, loan, or distribution, any instrument or article, or any drug or medicine, for the prevention of conception or for causing unlawful abortion; or shall write or print, or cause to be written or printed, a card, circular, pamphlet, advertisement, or notice of any kind, or shall give oral information, stating when, where, how, of whom, or by what means such article or medicine can be obtained or who manufactures it—shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both. (4955) [8706]

10189. Mailing and carrying obscene matter—Every person who shall deposit or cause to be deposited in any postoffice in the state, or place in charge of any express company or other common carrier or person for transportation any of the articles or things specified in §§ 10187, 10188, or any circular, book, pamphlet, advertisement, or notice relating thereto, with the intent of having the same conveyed by mail, express, or in any other manner; or who shall knowingly or wilfully receive the same with intent to carry or convey it, or shall knowingly carry or convey the same by express, or in any other manner except by United States mail—shall be guilty of a misdemeanor. But the provisions of this section and § 10188 shall not be construed to apply to an article or instrument used by physicians lawfully practicing, or by their direction or prescription, for the cure or prevention of disease. (4956) [8707]

10190. Search warrant—Destruction of property—Every municipal court and justice of the peace, upon complaint under oath that any person has in his possession or under his control any of the obscene books, papers, or other matter specified in §§ 10187-10189, shall issue a warrant directed to the sheriff or any constable of the county, therein directing him to search for, seize, and take possession of such obscene matter; and, upon conviction of the person in whose possession the same shall be found, shall cause such matter to be destroyed, and the fact to be entered upon the records of the court. (4957) [8708]

10191. Certain medical advertisements—Penalty—Any person who shall advertise, in his own name or the name of another person, firm or pretended firm, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, or other written or printed paper, or the owner, publisher, or manager of any newspaper or periodical who shall permit to be inserted or published in any newspaper or periodical owned or controlled by him, the treatment or curing of venereal diseases, the restoration of "lost manhood" or "lost vitality," or shall advertise in any manner that he is a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse, or excessive sexual indulgence, or in any disease of like causes, or who shall advertise in any manner any medicine, drug compound, appliance or any means whatever

10184
175m 218
220nw 563

10185
173m 178
217nw 140

10186
31 — 321

0187 Et. seq.
25 — 285

10188
204-NW 95

10188
164-M 289

whereby it is claimed that sexual diseases of men and women may be cured or relieved, or miscarriage or abortion produced, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months. ('09 c. 162 § 1) [8709]

10192. Publication, etc.—Penalty—Any person publishing, distributing, or causing to be distributed or circulated, any of the advertising matter herein above prohibited shall be guilty of a misdemeanor and punished as prescribed in section 1 of this act. ('09 c. 162 § 2) [8710]

10193. Evidence—The production of any advertisement or advertising matter published or distributed contrary to the provisions of this act shall be of itself prima facie evidence of the guilt of the person or persons advertising to cure any such disease herein above mentioned, or of the publishers who publish any matter such as is herein prohibited. ('09 c. 162 § 3) [8711]

HOUSES OF PROSTITUTION, ETC.

10194. Keeper of disorderly resort—Every person who shall keep a house of ill fame or assignation, or a house, tent, vehicle, resort, or place of any description for persons to visit for unlawful sexual intercourse, or for any other lewd, obscene, or indecent purpose, shall be guilty of felony. And every person who shall keep a disorderly house, or any place of public resort by which the peace, comfort, or decency of a neighborhood is habitually disturbed, or who, as agent or owner, lets a building or any portion thereof, knowing that it is intended to be used for any purpose specified in this section, or who permits a building or any portion thereof to be used for any of the aforesaid purposes, shall be guilty of a gross misdemeanor. (4958) [8712]

21-47; 29-193, 12+524; 59-281, 61+450; 89-340, 94+1078; 89-343, 94+1077; 123-451, 143+1126; 126-95, 147+953.

10195. Detention in house of ill fame for debt—It shall be unlawful for any person to hold, detain or restrain in any house of ill fame or prostitution, any female person for the purpose of compelling such female directly or indirectly by her voluntary or involuntary service or labor, to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred in such house of ill fame or prostitution. ('09 c. 461 § 1) [8713]

10196. How punished—Any person who violates or suffers the violation of any of the provisions of this act shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the state prison for not more than two years. ('09 c. 461 § 2) [8714]

10197. Receiving earnings of prostitute—It shall be unlawful for any person to knowingly accept or receive in whole or in part his or her support or maintenance from the proceeds or earnings of any woman engaged in prostitution. ('09 c. 475 § 1) [8715]

193+303.

10198. How punished—Any person who violates the provisions of this act shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than three years. ('09 c. 475 § 2) [8716]

10199. Houses of prostitution, etc., nuisances—Whoever shall erect, establish, continue, maintain, use, own or lease any building, erection or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building, erection or place, or the ground itself, in or upon which such lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fix-

tures, musical instruments, and movable property used in conducting or maintaining such public nuisance, are also declared a nuisance and shall be enjoined and abated as hereinafter provided. ('13 c. 562 § 1) [8717]

126-78, 147+951; 126-95, 147+953; 131-349, 154+1073.

10200. Action to enjoin—Restraining order—Answer, etc.—Whenever a nuisance is kept, maintained or exists, as defined in this act, the county attorney or any citizen of the county may maintain an action in equity in the name of the state of Minnesota, upon the relation of such county attorney or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same from further conducting or maintaining the same and the owner or agent of the building or ground upon which said nuisance exists from further permitting such building or ground or both to be so used. The defendants shall be served therein as in other actions and in such action the court, or judge in vacation, shall upon the presentation of a verified complaint therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if the existence of such nuisance shall be made to appear to the satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony or otherwise as the complainant may elect, unless the court or judge by previous order, shall have directed the form and manner in which such evidence shall be presented, in which case it shall be so presented. Where a temporary injunction is prayed for, the court, on the application of plaintiff, may issue an ex parte restraining order, restraining the defendants and all other persons from removing or in any manner interfering with the furniture, fixtures, musical instruments and movable property used in conducting the alleged nuisance, until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon. The restraining order may be served by handing to and leaving a copy of said order with any person in charge of said property or residing in the premises or apartment wherein the same is situated, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such premises or apartment where such nuisance is alleged to be maintained, or by both such delivery and posting. The officer serving such restraining order shall forthwith make a return into court and inventory of the personal property situated in and used in conducting or maintaining such nuisance. Any violation of such restraining order shall be a contempt of court, and where such order is so posted mutilation or removal thereof, while the same remains in force, shall be a contempt of court; provided, such posted order contains thereon or therein a notice to that effect. Three days' notice in writing shall be given the defendants of the hearing of the application for temporary injunction, and if then continued at the instance of defendant, the temporary writ as prayed shall be granted as a matter of course. Each defendant so notified, shall serve upon the complainant or his attorney a verified answer on or before the date fixed in said notice for said hearing, and such answer shall be filed with the clerk of the district court of the county wherein such cause is triable, but the court may allow additional time for so answering, providing such extension of time shall not prevent the issuing of said temporary writ as prayed for. The allegations of the answer shall be deemed to be traversed without further pleading. When an injunction has been granted, it shall be binding on the defendants throughout the judicial district in which it was issued, and any violation of the provisions of the injunction

herein provided shall be a contempt as hereinafter provided. ('13 c. 562 § 2) [8718]

126-78, 147+951; 126-95, 147+953; 131-308, 155+90; 131-349, 154+1073.

10201. Trial—Action by citizen, etc.—The action when brought shall be noticed for and triable at the first term of the court the same as other actions triable in the district court of such county, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance and shall be prima facie evidence of such nuisance and of knowledge thereof and of acquiescence and participation therein on the part of the owners, lessors, lessees, users and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form of property used in conducting or maintaining said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the county attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the county attorney to prosecute said action to judgment at the expense of the county, and if the action is continued more than one term of court, any citizen of the county or the county attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen and the court finds there was no reasonable grounds or cause for said action, the cost may be taxed to such citizen. ('13 c. 562 § 3) [8719]

126-78, 147+951; 126-95, 147+953; 131-308, 155+90; 131-349, 154+1073.

10202. Contempts—In case of the violation of any injunction granted under the provisions of this act, or of a restraining order or the commission of any contempt of court in proceedings under this act, the court, or in vacation, a judge thereof, may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court a complaint under oath, setting out and alleging facts constituting such violation, upon which the court or judge shall cause a warrant to issue, under which the defendant shall be arrested. The trial may be had upon affidavits or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this act shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment in the county jail not less than three nor more than six months or by both fine and imprisonment. ('13 c. 562 § 4) [8720]

126-95, 147+953; 131-308, 155+90; 131-349, 154+1073.

10203. Order of abatement—Personal property—Contempt—Fees—If the existence of the nuisance be admitted or established in an action as provided in this act, or in a criminal proceeding in the district court, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments or movable property used in conducting the nuisance, and shall direct the sale of such thereof as belong to the defendants notified or appearing, in the manner provided for the sale of chattels under execution, and shall direct the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released. Owners of unsold personal property so seized must appear and claim same within ten days after such order of abatement is made, and prove innocence, to the satisfaction of the court, of any knowledge of said use thereof and that with reasonable care and diligence they could not have known

thereof. Every defendant in the action shall be presumed to have had knowledge of the general reputation of the said place. If such innocence be so established, such unsold personal property shall be delivered to the owner, otherwise it shall be sold as hereinbefore provided. If any person shall break and enter or use a building, erection or place so directed to be closed, he shall be punished as for contempt, as provided in the preceding section. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court. ('13 c. 562 § 5) [8721]

126-79, 147+951; 126-95, 147+953; 131-308, 155+90; 131-349, 154+1073.

10204. Duty of county attorney, etc.—In case the existence of such nuisance is established in a criminal proceeding in a court now having equitable jurisdiction, it shall be the duty of the county attorney to proceed promptly under this act to enforce the provisions and penalties thereof, and the finding of the defendant guilty in such criminal proceeding, unless reversed or set aside, shall be conclusive as against such defendant as to the existence of the nuisance. All moneys collected under this act shall be paid to the county treasurer. The proceeds of the sale of the personal property, as provided in the preceding section, shall be applied in payment of the costs of the action and abatement or so much of such proceeds as may be necessary, except as hereinafter provided. ('13 c. 562 § 6) [8722]

126-78, 147+951; 131-308, 155+90; 131-349, 154+1073.

10205. Intervention by owner—If the owner of the premises in which said nuisance has been maintained appears and pays all costs of the proceeding, and files a bond with sureties to be approved by the court in the full value of the property, to be ascertained by the court, or in vacation, by the judge thereof, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court, or in vacation the judge, if satisfied of his good faith, may order the premises closed or sought to be closed under the order of abatement, to be delivered to said owner, and said order of abatement cancelled so far as the same may relate to said real property. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty or liability to which it may be subject by law. ('13 c. 562 § 7) [8723]

126-95, 147+953; 131-308, 155+90; 131-349, 154+1073.

10206. Permanent injunction—Penalty and lien—Whenever a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept or used for the purpose prohibited by this act, there shall be imposed upon said building and the ground upon which the same is located and against the person or persons maintaining said nuisance, and the owner or agent of said premises, a penalty of three hundred dollars. The imposing of said penalty shall be made by the court as a part of the proceeding, and the clerk of said court shall make and certify a return of the imposition of said penalty forthwith to the county auditor, who shall enter the same as a tax upon the property and shall enter the persons upon which or whom the lien was imposed as and when other taxes are entered, and the same shall be and remain a lien on the land upon which lien was imposed until fully paid; provided that any such lien imposed while the tax books are in the hands of the auditor shall be immediately entered therein. The payment of said pen-

alty shall not relieve the persons or property from any other penalties provided by law. The provisions of the law relating to the collection of taxes in this state, the delinquency thereof and sale of property for taxes shall govern in the collection of the penalty herein prescribed in so far as the same are applicable, and the said penalty collected shall be applied in payment of any deficiency in the costs of the action and abatement on behalf of the state to the extent of such deficiency after the application thereto of the proceeds of the sale of personal property as hereinbefore provided, and the remainder of said penalty together with the unexpended portion of the proceeds of the sale of personal property shall be distributed in the same manner as fines collected for the keeping of houses of ill fame, excepting that ten per cent of the amount of the whole penalty collected and of the whole proceeds of the sale of said personal property as provided in this act shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment. ('13 c. 562 § 8) [8724]

126-95, 147+953; 131-308, 155+90; 131-349, 154+1073.

10207. Owners and agents—Parties to action—When such nuisance has been found to exist under any proceeding in the district court or as in this act provided, and the owner or agent of such building or ground whereon the same has been found to exist, was not a party to such proceeding, nor appeared therein, the said penalty of three hundred dollars shall, nevertheless, be imposed against the persons served or appearing and against the property as in this act set forth. But before such penalty shall be enforced against such property, the owner or agent thereof shall have appeared therein or shall be served with summons therein, and the provisions of sections 4111 and 4112 of Revised Laws of Minnesota, 1905, shall apply to service in proceedings under this act. The person in whose name the real estate affected by the action stands on the books of the county auditor for purposes of taxation shall be presumed to be the owner thereof, and in case of unknown persons having or claiming any ownership, right, title, or interest in property affected by the action, such may be made parties to the action by designating them in the summons and complaint as "all other persons unknown claiming any ownership, right, title or interest in the property affected by the action" and service thereon may be had by publishing such summons in the manner prescribed in said § 4111. Any person having or claiming such ownership, right, title or interest, and any owner or agent in behalf of himself and such owner may make, serve and file his answer therein within twenty days after such service and have trial of his rights in the premises by the court; and if said cause has already proceeded to trial or to findings and judgment, the court shall by order fix the time and place of such further trial and shall modify, add to or confirm such findings and judgment as the case may require. Other parties to said action shall not be affected thereby. ('13 c. 562 § 9) [8725]

126-95, 147+953; 131-308, 155+90; 131-349, 154+1073.

10208. Unconstitutional provisions—Should any provision or item of this act be held to be unconstitutional, such fact shall not be held to invalidate the other provisions and items thereof. ('13 c. 562 § 10) [8726]

131-308, 155+90; 131-349, 154+1073.

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10209. Defined—A nuisance—Drawing—How punished—A lottery is a scheme for the distribution of property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance, whether it shall be called a lottery, raffle, gift enter-

prise, or by any other name, and is hereby declared unlawful and a public nuisance.

Every person who shall contrive, propose, or draw a lottery, or shall assist in contriving, proposing, or drawing a lottery, shall be punished by imprisonment in the state prison for not more than two years, or by a fine of not more than one thousand dollars, or by both. (4959) [8727]

48-555, 51+618; 95-442, 104+556.

10210. Selling tickets, advertising—Every person who shall sell, give, or in any way whatever furnish or transfer to or for another a ticket, chance, share, or interest, or any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest, in or dependent upon the event of a lottery, to be drawn within or without the state; or who, by writing, printing, circular, or letter, or in any other way, shall advertise or publish an account of a lottery, in or out of the state, stating how, when, or where the same is to be or has been drawn, or what are the prizes therein, or any of them, or the price of a ticket, or any share or interest therein, or where or how it may be obtained—shall be guilty of a misdemeanor. (4960) [8728]

151-59, 185+1017.

10211. Disposal of property by lottery—Keeping of office—Letting building—Every person who shall offer for sale or distribution in any way real or personal property, or any interest therein, to be determined by lot or chance dependent upon the drawing of a lottery in or out of the state; or who shall sell, furnish, or procure, or cause to be sold, furnished, or procured, in any manner, a chance or share or any interest in property offered for sale or distribution in violation of this subdivision, or a ticket or other evidence of such chance, share, or interest; or who shall open, set up, or keep, by himself or another, an office or place for registering the numbers of tickets in a lottery in or out of the state, or for making, receiving, or registering any bets or stakes, for the drawing or result of such lottery; or who shall advertise or in any way publish any account of an opening, setting up, or keeping of such an office or place; or who shall let or permit to be used any building or portion thereof, knowing that it is intended to be used for any of the purposes specified in this subdivision—shall be guilty of a misdemeanor. (4961) [8729]

10212. Insuring lottery tickets—Advertising offers to insure—Every person who shall insure, or receive any consideration for insuring, for or against the drawing of a ticket, share, or interest in a lottery, or of a number of such ticket, share, or interest, or who shall receive any valuable consideration upon an agreement to pay money, or deliver property, in the event that a ticket, share, or interest, or a number of such a ticket, share, or interest, in a lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn in a particular way or in a particular order; or who shall promise or agree or offer to pay money or deliver property, or do or forbear to do any act, for the benefit of any person, with or without consideration, upon any accident or contingency dependent on the drawing thereof, or of any number or ticket therein; or who, by writing, printing, circular, or letter, or in any other way, advertises or publishes an offer, notice, or proposition in violation of the provisions of this section—shall be guilty of a misdemeanor. (4962) [8730]

10213. Lotteries out of state—Advertisements by non-residents—The provisions of this subdivision are applicable to lotteries drawn or to be drawn out of the state, whether authorized or not by the laws of the state where they are drawn or to be drawn, in the same manner as to those in the state, and every pro-

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vision of law relating to advertising lotteries or offers to insure lottery tickets shall be applicable whenever the advertisement was published, or the letter or circular sent or delivered, through or in the state, though the person causing or procuring the same to be published, sent, or delivered was out of the state at the time of so doing. (4963) [8731]

GAMING

10214. Gambling—Gambling with cards, dice, gaming tables, or any other gambling device whatever is hereby prohibited. Every person who deals cards at the game called "faro," "pharo," or "forty-eight," whether the same is dealt with fifty-two or any other number of cards, and every person who shall keep any gambling device whatsoever designed to be used in gambling, shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than two hundred dollars, or by both; and every person who shall bet any money or other property at or upon a gaming table, game, or device shall be punished by a fine of not less than five dollars nor more than twenty dollars. (4964) [8732]

1. **What is gambling device**—39-153, 39+305; 49-443, 52+42; 74-257, 77+4; 84-357, 87+935. Cited (115-235, 132+266).

2. **What constitutes gambling**—39-153, 39+305; 74-257, 77+4; 138-79, 164+807.

3. **Indictment**—84-357, 87+935.

10215. Gambling devices on premises—Every person who shall suffer any gaming table, faro bank, or gambling device to be set up or used for the purpose of gambling in any house, building, steamboat, raft, keelboat, or boom, lot, yard, or garden, owned, occupied, or controlled by him, shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than two hundred dollars, or by both. (4965) [8733]

79-388, 82+650; 84-357, 87+935. At common law (17-72, 50; 39-153, 39+305). Under city ordinance (74-257, 77+4). Cited (115-235, 132+266. See 138-79, 164+807.

10216. Evidence—Testimony of player—No person shall be excused from testifying touching an offense committed by another against any provision of this subdivision relating to gambling, by reason of his having bet or played at the prohibited game or gambling device. (4966) [8734]

10217. Recovery of money, etc., lost—Every person who, by playing at cards, dice, or other game, or by betting on the hands or sides of such as are gambling, shall lose to any person so playing or betting any sum of money or any goods, and pays or delivers the same, or any part thereof, to the winner, may sue for and recover such money by a civil action before any court of competent jurisdiction. (4967) [8735]

34-247, 25+400; 94-416, 103+163. Recovery of money lost at gambling from keeper or lessee (115-235, 132+266).

10218. Notes, etc., for gambling debt void—Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any person so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. (4968) [8736]

75-68, 77+558.

10219. Swindling by cards, etc.—Every person who, by means of three-card monte, so called, or of any

other form or device, sleight of hand, or other means, by use of cards or instruments of like character, or by any other instrument, trick, or device, obtains from another person any money or other property of any description, shall be deemed guilty of the crime of swindling, and be punished by imprisonment in the state prison for not less than two nor more than five years, or by a fine of not less than two hundred dollars nor more than two thousand dollars; and every person aiding, encouraging, advising, or confederating with or knowingly harboring or concealing, any such person, or in any manner being accessory to the commission of the above-described offense, and all persons who shall confederate together for the purpose of playing such games, shall be deemed principals therein and punished as such. (4969) [8737]

1. **What constitutes**—29-142, 12+455; 72-522, 75+715; 82-342, 85+12.

2. **Indictment**—29-142, 12+455; 88-262, 92+976; 151-502, 187+607.

3. **Evidence admissible**—72-522, 75+715; 88-262, 92+976.

4. **Sufficiency of the evidence**—29-142, 12+455; 82-342, 85+12; 88-262, 92+976; 95-467, 104+295.

10220. Arrests—Every person may, and every conductor or other employee on any railway car or train, captain, clerk, or other employee on any boat, station agent at any depot, officer of any fair or fair ground, proprietor or employee of any place of public resort, with or without warrant, shall arrest any person found in the act of committing any of the offenses mentioned in § 10219, or any person whom he has good reason to believe has been guilty of any such offense, and take him before a magistrate or court having jurisdiction, and make written complaint under oath against him. Every person so making such arrest shall have the same power and authority in all respects as an officer with a warrant, including the power to summon assistance, and shall also arrest the person injured by reason of such offense, and take him before such magistrate or court, who shall require him to give security for his appearance as a witness on trial of the case; and he shall receive for such services the same compensation as is provided for sheriffs. (4970) [8738]

10221. Swindlers ejected, when—Law to be posted—Every conductor, captain, hotel or saloon keeper, proprietor or manager of any public conveyance or place of public resort, and the officer of any fair or fair grounds, shall eject from his car, train, boat, hotel, saloon, public conveyance, fair grounds, or place of public resort any person known to him, or whom he has good reason to believe, to be a three-card monte man, or who offers to wager or bet money or other valuable thing upon what is commonly known as "three-card monte," or on any trick or game with cards or other gaming device, and for such ejection no action for damages shall be maintained; and every person operating any public conveyance by which passengers are carried shall keep posted in such conveyance a copy of this subdivision. (4971) [8739]

10222. Neglect of conductor, etc., to arrest—Every conductor of a railway train, every station agent, captain of any steamboat, proprietor of any public conveyance, officer of any fair or fair grounds or place of public resort, every hotel or saloon keeper, or any agent or employee thereof, who shall fail, neglect, or refuse to perform such duty, or who shall knowingly suffer or permit any violation of any provision of this subdivision, shall be guilty of a misdemeanor. (4972) [8740]

10223. Evidence of accomplice—Any person may be convicted for violation of this subdivision on his own confession out of court, or upon the testimony of an accomplice. (4973) [8741]

PAWNBROKERS

10224. License—Refusal to exhibit stolen goods—Selling before time of redemption—Every person who shall carry on the business of a pawnbroker by receiving goods in pledge for loans at a rate of interest above that allowed by law, except by virtue of a license from a municipal corporation or other authority empowered to grant such license; every person carrying on the business of a pawnbroker or junk dealer who, having received any goods which have been embezzled or stolen, refuses or omits to exhibit them, upon demand, during the usual business hours, to the owner thereof, or his agent authorized to demand an inspection thereof, or to any public officer; and every pawnbroker who shall sell any article, received by him in pledge, before the time to redeem the same has expired, or who wilfully refuses to disclose the name of the purchaser, or the price received by him for any article so received by him in pledge and subsequently sold—shall be guilty of a misdemeanor. (4974) [8742]

10225. Junk dealers, pawnbrokers, etc.—Purchase or pledge from minor prohibited—It shall be unlawful for any junk dealer, pawnbroker or second hand dealer to purchase or to receive on deposit or pledge any thing of value as security for a loan of money from any person, male or female, under lawful age. ('07 c. 228 § 1) [8743]

10226. Same—Gross misdemeanor—Any person violating this act shall be guilty of a gross misdemeanor. ('07 c. 228 § 2) [8744]

RIGHTS OF SEPULTURE

10227. Dissection—When permitted—The right to dissect the dead body of a human being shall be limited to cases specially provided by statute, or by the direction or will of the deceased; cases where a coroner is authorized to hold an inquest upon the body, and then only so far as he may authorize dissection; and cases where the husband, wife, or next of kin, charged by law with the duty of burial, shall authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized. Every person who shall make, cause, or procure to be made any dissection of the body of a human being, except as hereinbefore provided, shall be guilty of a gross misdemeanor. (4975) [8745]

140-16, 167+113.

10228. Burial or cremation—Except in cases of dissection provided for in § 5711, and where a dead body shall rightfully be carried through or removed from the state for the purpose of burial elsewhere, every dead body of a human being lying within this state, and the remains of any dissected body after dissection, shall be decently buried, or cremated, within a reasonable time after death. (4976) [8746]

10229. Opening grave—Stealing body—Receiving same—Every person who shall remove the dead body of a human being, or any part thereof, from a grave, vault, or other place where the same has been buried, or deposited awaiting burial or cremation, without authority of law, with intent to sell the same, or for the purpose of procuring a reward for its return, or for dissection, or from malice or wantonness, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than one thousand dollars, or by both. Every person who shall purchase or receive, except for burial or cremation, any such dead body, or any part thereof, knowing that the same has been removed contrary to the foregoing provisions, shall be punished by imprisonment in the state prison for not more than three years. Every person who shall open a grave or other place of interment, temporary or otherwise, or a building

where such dead body is deposited while awaiting burial or cremation, with intent to remove such body, or any part thereof, for the purpose of selling or demanding money for the same, for dissection, from malice or wantonness, or with intent to steal or remove the coffin or any part thereof, or anything attached thereto, or any vestment or other article interred or intended to be interred with the body, shall be punished by imprisonment in the state prison for not more than two years, or by a fine of not more than two hundred and fifty dollars, or by both. (4977) [8747]

10230. Interfering with dead body or funeral—Every person who shall arrest or attach the dead body of a human being upon a debt or demand, or shall detain or claim to detain it for any debt or demand, or upon any pretended lien or charge, or who, without authority of law, shall obstruct or detain a person engaged in carrying or accompanying the dead body of a human being to a place of burial or cremation, shall be guilty of a misdemeanor. (4978) [8748]

10231. Opening road through cemetery—Every person who shall make or open any road, or construct any railway, turnpike, canal, or other public easement, over, through, in, or upon such part of any inclosure as may be used for the burial of the dead, without authority of law or the consent of the owner thereof, shall be punished by fine not exceeding three hundred dollars. (4979) [8749]

10232. Cemetery near university or soldiers' home—It shall be unlawful for any person, firm, association or corporation, to locate or maintain a cemetery or burial ground for the purpose of burying any human body, or the burying of any human body within three-quarters of a mile of the university of the state of Minnesota, or the Minnesota soldiers' home. ('11 c. 4 § 1) [8750]

10233. Same—Penalty—Any person, firm, association or corporation, violating section 1 of this act shall be guilty of a gross misdemeanor for each and every offense. ('11 c. 4 § 2) [8751]

SABBATH BREAKING, ETC.

10234. Definitions—The law prohibits the doing on the first day of the week of the certain acts in § 10235 specified, which are serious interruptions of the repose and religious liberty of the community, and the doing of any of said acts on that day shall constitute Sabbath breaking. Under the term "day" as used in this section and § 10235 is included all the time from midnight to midnight. (4980) [8752]

Cited (97-125, 105+1127; 112-52, 127+444). See 126-257, 148+100; 127-84, 148+891; 149-410, 184+275.

10235. Things prohibited—Exceptions—All hunting, shooting, fishing, playing, horse racing, gaming and other public sports, exercises, and shows; all noises disturbing the peace of the day; all trades, manufactures, and mechanical employments, except works of necessity performed in an orderly manner so as not to interfere with the repose and religious liberty of the community; all public selling or offering for sale of property, and all other labor except works of necessity and charity are prohibited on the Sabbath day: Provided, that meals to be served upon the premises or elsewhere by caterers, prepared tobacco in places other than where intoxicating liquors are kept for sale, fruits, confectionery, newspapers, drugs, medicines, and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for good order, health or comfort of the community; but keeping open a barber shop or shaving and hair cutting shall not be deemed works of necessity or charity, and nothing in this section shall be construed to permit the selling of uncooked meats, groceries, clothing, boots,

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