

CHAPTER 614

CRIMES AGAINST PUBLIC POLICY

Sec.	Subd.
	LOTTERIES
614.01	Lottery, nuisance, drawing, how punished
614.02	Selling tickets, advertising
614.03	Disposal of property by lottery; keeping office; letting building
614.04	Insuring lottery tickets; advertising offers to insure
614.05	Lotteries out of state; advertisements by non-residents
	GAMING
614.06	Gambling
614.07	Gambling devices on premises
614.08	Evidence; testimony of player
614.09	Recovery of money lost
614.10	Commitments for gambling debt void
614.11	Swindling by cards
614.12	Arrests
614.13	Swindlers ejected, when; law to be posted
614.14	Neglect of conductor or agent to arrest
614.15	Evidence of accomplice
614.16	Contracts for future delivery of farm produce
	Subd.
	1. When deemed gambling contracts
	2. Punishment
	3. Hedging not prohibited
	4. Contracts not enforceable
	PAWNBROKERS
614.17	License; refusal to exhibit stolen goods; selling before time of redemption
614.18	Purchase or pledge from minor prohibited
614.19	Penalty
	SEPULTURE
614.20	Dissection; when permitted
614.21	Burial or cremation
614.22	Opening grave; stealing body; receiving same
614.23	Interfering with dead body or funeral
614.24	Opening road through cemetery
614.25	Cemetery prohibited near university or soldiers' home
614.26	Penalty
	RELIGION
614.27	Preventing religious act
614.28	Sabbath breaking; day
614.29	Things prohibited; exceptions
614.30	Punishment
614.31	Service of process on the Sabbath prohibited
614.32	Disturbing religious meeting
614.33	Trading near camp meeting; prohibition; exception
	FLAGS; INSIGNIA
614.34	Red or black flags
	CRUELTY TO ANIMALS
	Subd.
	1. Prohibited; exception
	2. Unlawful possession
	3. Display of antagonistic flag
	4. Penalty
614.35	Improper use of insignia
614.36	Unlawful use of Red Cross
	PATRIOTISM
614.37	Desecration of Memorial Day; saloons to be closed
614.38	Penalty
614.39	National anthem
	Subd.
	1. Limitation on rendition
	2. Owner or manager not to permit
	3. Violation a misdemeanor
614.40	Requiring waiving of right of citizenship forbidden
	CRUELTY TO ANIMALS
	Subd.
	1. Definitions
	2. Overworking or mistreating animals
	3. Cruelty in transportation
	4. Docking horses
	5. Clipped horses
	6. Poisoning animals
	7. Animal with infectious disease
	8. Exposure of animals; duty of officers
	9. Injury to birds
	10. Cock-fights and dog-fights prohibited
	VAGRANCY AND VARIOUS
614.51	Maximum toll of custom mill
614.52	Picking cranberries out of season
614.53	Misconduct by hotel runners
614.54	Fraudulently presenting claims to public officers
614.55	Peace officers shall be voters; may be women; penalty
614.56	Protection to motormen
614.57	Application of term "vagrancy" and extension of the same to include various persons
614.58	Employers not to accept consideration for securing employment
614.59	Armed association
614.60	Running toll
614.61	Circuses
	Subd.
	1. Prohibition
	2. Penalty
614.62	Cigarettes, what sales prohibited
614.63	Penalty for smoking cigarettes
614.64	Adulterated cigarettes
614.65	Penalty for use of adulterated cigarettes

LOTTERIES

614.01 LOTTERY, 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 enterprise, 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 \$1,000, or by both.

[R. L. s. 4959] (10209)

614.02 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.

[R. L. s. 4960] (10210)

614.03 DISPOSAL OF PROPERTY BY LOTTERY; KEEPING 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 sections 614.01 to 614.05, 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 sections 614.01 to 614.05, shall be guilty of a misdemeanor.

[R. L. s. 4961] (10211)

614.04 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.

[R. L. s. 4962] (10212)

614.05 LOTTERIES OUT OF STATE; ADVERTISEMENTS BY NON-RESIDENTS. The provisions of sections 614.01 to 614.04 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 provision 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.

[R. L. s. 4963] (10213)

GAMING

614.06 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 52 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 \$200.00, 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 \$5.00, nor more than \$20.00.

[R. L. s. 4964] (10214)

614.07 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 imprison-

MINNESOTA STATUTES 1941

3655

CRIMES AGAINST PUBLIC POLICY 614.13

ment in the county jail for not more than six months, or by a fine of not more than \$200.00, or by both.

[R. L. s. 4965] (10215)

614.08 EVIDENCE; TESTIMONY OF PLAYER. No person shall be excused from testifying touching an offense committed by another against any provision of sections 614.06 to 614.15 relating to gambling, by reason of his having bet or played at the prohibited game or gambling device.

[R. L. s. 4966] (10216)

614.09 RECOVERY OF MONEY 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, of any part thereof, to the winner, may sue for and recover such money by a civil action, before any court of competent jurisdiction.

[R. L. s. 4967] (10217)

614.10 COMMITMENTS 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.

[R. L. s. 4968] (10218)

614.11 SWINDLING BY CARDS. 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 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 \$200.00, nor more than \$2,000; 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.

[R. L. s. 4969] (10219)

614.12 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 fairground, 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 section 614.11, or any person who, 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.

[R. L. s. 4970] (10220)

614.13 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 fairgrounds, shall eject from his car, train, boat, hotel, saloon, public conveyance, fairgrounds, 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 section.

[R. L. s. 4971] (10221)

614.14 NEGLECT OF CONDUCTOR OR AGENT 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 fairgrounds 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 section 614.11 shall be guilty of a misdemeanor.

[R. L. s. 4972] (10222)

614.15 EVIDENCE OF ACCOMPLICE. Any person may be convicted for violation of sections 614.06 to 614.14 on his own confession out of court, or upon the testimony of an accomplice.

[R. L. s. 4973] (10223)

614.16 CONTRACTS FOR FUTURE DELIVERY OF FARM PRODUCE. Subdivision 1. **When deemed gambling contracts.** Every contract of sale for future delivery of wheat, grain, or other farm products wherein the actual delivery of the commodity sold is not, in good faith, contemplated or intended by the contracting parties, is hereby declared to be a gambling contract; is hereby made illegal, and the parties thereto made liable to the penalties herein provided.

Every such contract is hereby declared to be prima facie a gambling contract when to the knowledge of the buyer the seller does not have in his possession, actually or potentially, the commodity sold.

Subdivision 2. **Punishment.** Any person, whether acting individually or as a member of a firm, or as an officer or employee of any corporation, who shall be found guilty of being a party, directly or indirectly, to any gambling contract, as defined in subdivision 1 hereof, shall be guilty of a gross misdemeanor; and, upon conviction thereof, punished by a fine of not less than \$500.00, nor more than \$1,000, and be imprisoned in the county jail until such fine is paid, not exceeding one year; and any such person who shall be found guilty of a second or further 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 30, nor more than 90, days, and, if a corporation, shall be liable to forfeiture of its charter.

Subdivision 3. **Hedging not prohibited.** This section shall not be construed so as to prohibit any producer of, or dealer in, grain or any grain product, or other farm products from buying or selling any such grain or product in good faith for future delivery on any grain exchange, according to the customary method of making such contracts on such grain exchange; and, if either party to a contract of sale for future delivery enters into such contract in good faith as a protection against loss, on any product herein mentioned, such contract shall be lawful, and may be carried out by delivery of the contract sold at the time specified in such contract, or may be settled by novation or by payment of the difference between the contract price and the market price of the product at or before the time of delivery specified in such contract.

Subdivision 4. **Contracts not enforceable.** It shall be unlawful for any chamber of commerce, board of trade, or other association of persons conducting, maintaining, or carrying on an exchange or place of business where wheat, other grains, or farm products are bought or sold, to make, promulgate, or enforce any rule or regulation which in any way penalizes or imposes a disability on any member of such chamber of commerce, board of trade, or other exchange, or person authorized or permitted to trade thereat, by reason of the failure or refusal of such member or person to carry out or observe the terms and provisions of any such gambling contract. Any chamber of commerce, board of trade, or other association conducting or maintaining such an exchange, and every officer, agent, or employee of any such chamber of commerce, board of trade, or other association, who shall violate or knowingly aid or assist in the violation of the provisions of this section shall be guilty of a gross misdemeanor.

[1921 c. 98 ss. 1, 2, 3, 4] (10223-1) (10223-2) (10223-3) (10223-4)

PAWNBROKERS

614.17 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.

[R. L. s. 4974] (10224)

614.18 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 under lawful age.

[1907 c. 228 s. 1] (10225)

614.19 PENALTY. Any person violating the provisions of section 614.18 shall be guilty of a gross misdemeanor.

[1907 c. 228 s. 2] (10226)

SEPULTURE

614.20 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.

[R. L. s. 4975] (10227)

614.21 BURIAL OR CREMATION. Except in cases of dissection provided for in section 614.20, 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.

[R. L. s. 4976] (10228)

614.22 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 \$1,000, 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 \$250.00, or by both.

[R. L. s. 4977] (10229)

614.23 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

MINNESOTA STATUTES 1941

614.24 CRIMES AGAINST PUBLIC POLICY

3658

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.

[R. L. s. 4978] (10230)

614.24 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 enclosure 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 a fine of not exceeding \$300.00.

[R. L. s. 4979] (10231)

614.25 CEMETERY PROHIBITED 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 Minnesota or the Minnesota Soldiers' Home.

[1911 c. 4 s. 1] (10232)

614.26 PENALTY. Any person, firm, association, or corporation violating section 614.25 shall be guilty of a gross misdemeanor for each and every offense.

[1911 c. 4 s. 2] (10233)

RELIGION

614.27 PREVENTING RELIGIOUS ACT. Every person who, by threats or violence, shall wilfully prevent another person performing any lawful act enjoined upon or recommended to him by the religion which he professes shall be guilty of a misdemeanor.

[R. L. s. 4984] (10238)

614.28 SABBATH BREAKING; DAY. The law prohibits the doing on the first day of the week of the certain acts specified in section 614.29, which are serious interruptions of the repose and religious liberty of the community, and the doing of any of such acts on that day shall constitute Sabbath breaking. Under the term "day," as used in this section and section 614.29, is included all the time from midnight to midnight.

[R. L. s. 4980] (10234)

614.29 THINGS PROHIBITED; EXCEPTIONS. All horse racing, except horse racing at the annual fairs held by the various county agricultural societies of the state, gaming, and shows; all noises disturbing the peace of the day; all trades, manufacturers, 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.

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, including the usual shoe-shining service; 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, or shoes. The game of baseball when conducted in a quiet and orderly manner so as not to interfere with the peace, repose, and comfort of the community, may be played on the Sabbath day.

[R. L. s. 4981; 1909 c. 267 s. 1; 1929 c. 308 s. 1; 1935 c. 129; 1941 c. 336] (10235)

614.30 PUNISHMENT. Every person who breaks the Sabbath shall be guilty of a misdemeanor and punished by a fine of not less than \$1.00, nor more than \$10.00, or by imprisonment in the county jail for not more than five days; but it shall be a sufficient defense to a prosecution for Sabbath breaking that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as not to disturb others in the observance of the Sabbath.

[R. L. s. 4982] (10236)

614.31 SERVICE OF PROCESS ON THE SABBATH PROHIBITED. Every service of legal process upon the Sabbath day, except in case of a breach or apprehended breach of the peace, or when sued out for the apprehension of a person

MINNESOTA STATUTES 1941

3659

CRIMES AGAINST PUBLIC POLICY 614.35

charged with crime, or where such service is expressly authorized by statute, is hereby prohibited.

[R. L. s. 4983] (10237)

614.32 DISTURBING RELIGIOUS MEETING. Every person who shall wilfully disturb, interrupt, or disquiet any assemblage of people met for religious worship:

(1) By noisy, rude, or indecent behavior, profane discourse, either within the place where such meeting is held or so near it as to disturb the order and solemnity of the meeting;

(2) By exhibiting shows or plays or promoting, within one mile of the place where such meeting is held, any racing of animals, or gaming of any description;

(3) By obstructing in any manner, without authority of law, within the like distance, free passage along a highway to the place of such meeting; or

(4) By maliciously cutting or otherwise injuring or destroying any harness, conveyance, tent, or other property belonging to any person in attendance upon any such meeting, shall be guilty of a misdemeanor; but no prosecution therefor shall be sustained unless commenced within 60 days after the commission of the offense.

[R. L. s. 4985] (10239)

614.33 TRADING NEAR CAMP MEETING; PROHIBITION; EXCEPTION.

No person shall keep any shop, tent, booth, or carriage of any kind for the sale of, or sell, furnish, or expose for sale, any intoxicating liquors, or other goods or merchandise, within two miles of any public assembly, camp or grove meeting, convened for the purpose of religious worship. This shall not be so construed as to prevent any person from continuing business where previously located, or from selling such liquors where he had been licensed to sell before the appointment of such meeting. Every person who shall violate any provision of this section shall be punished by a fine of not exceeding \$30.00, or by imprisonment in a county jail for not more than 30 days, or by both.

[R. L. s. 4986] (10240)

FLAGS; INSIGNIA

614.34 RED OR BLACK FLAGS. Subdivision 1. **Prohibited; exception.** It shall be unlawful for any person to display within the state any red flag or black flag; provided, that the provisions of this section shall not prohibit the use of a red flag by any employee of a railroad company as a signal, or the display of a red flag on a public highway as a warning of obstruction.

Subdivision 2. **Unlawful possession.** It shall be unlawful for any person to have in his possession, custody, or control any red flag or black flag, or any picture, or facsimile thereof, whether printed, painted, stamped, carved, or engraved on any card, paper, or insignia, with intent to display the same in the state. The possession, or having of the same in possession or custody, of any such flag, or picture or facsimile thereof, as above prohibited, by any person, shall be deemed evidence of an intent on the part of the person so having the same in possession, custody, or control to display the same within the state.

Subdivision 3. **Display of antagonistic flag.** It shall be unlawful for any person to display any flag or banner, ensign, or sign having upon it any inscription antagonistic to the existing government of the United States or the State of Minnesota.

Subdivision 4. **Penalty.** Any person violating the provisions of this section shall be guilty of a felony.

[1919 c. 46 ss. 1, 2, 3, 4] (10510) (10511) (10512) (10513)

614.35 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, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans of the World War, or of any other veterans' organization, or any similitude thereof; 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, or who shall use the name of any such order or society for gain, unless he shall be entitled to so use the same under the constitution, by-laws, rules, and regulations of such order, shall be guilty of a misdemeanor, and shall be

punished by imprisonment in the county jail for not more than 60 days, or by a fine of not more than \$50.00, or by both.

[*R. L. s. 5167; 1921 c. 235 s. 1; 1927 c. 397*] (10462)

614.36 UNLAWFUL USE OF RED CROSS. 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 those flags, standards, colors, or ensigns, any inscription, design, device, symbol, name, advertisement, words, characters, marks, or notice whatsoever; 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; provided, that the placing of the names of donors to the Red Cross fund upon the flag by any regularly organized Red Cross society shall not be construed as a violation of this section.

[*R. L. s. 5180; 1919 c. 431 s. 1*] (10509)

PATRIOTISM

614.37 DESECRATION OF MEMORIAL DAY; SALOONS TO BE CLOSED.

The desecration of Memorial Day, the 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 that day, within one-half mile of the place where memorial exercises are in progress, is hereby prohibited and made unlawful during the hours from ten o'clock in the forenoon to three o'clock in the afternoon of that day, and all saloons and other places where intoxicating liquors are sold, shall be closed on that day between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, in all cities, villages, and towns where memorial exercises are held.

[*1907 c. 25 s. 1*] (10514)

614.38 PENALTY. Any person guilty of violation of section 614.37 shall be guilty of a misdemeanor and punishable accordingly.

[*1907 c. 25 s. 2*] (10515)

614.39 NATIONAL ANTHEM. Subdivision 1. **Limitation on rendition.** The playing, singing, or rendering of the hymn commonly known and designated as "The Star Spangled Banner," in any public place or at any public entertainment, or in any theater or motion picture hall, restaurant, or cafe in the state, except as an entire and separate composition or number, without embellishments of national or other melodies, and the singing or playing of that hymn, or any part thereof, as a part or selection of a medley of any kind, and the playing of that hymn at or in any of the places mentioned, for dancing or as an exit march, is hereby prohibited.

Subdivision 2: **Owner or manager not to permit.** No owner, proprietor, or manager of any theater, moving picture hall, restaurant, cafe, or other place within the state, where the public gathers, shall submit or allow anyone playing, singing, or performing therein, to play, sing, or render this hymn in violation of the provisions of this section.

Subdivision 3. **Violation a misdemeanor.** Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

[*1917 c. 247 ss. 1, 2, 3*] (10516) (10517) (10518)

614.40 REQUIRING WAIVING OF RIGHT OF CITIZENSHIP FORBIDDEN.

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.

[*R. L. s. 5173*] (10502)

CRUELTY TO ANIMALS

614.41 DEFINITIONS. The word "animal" includes every living creature except the human race; the word "torture" or "cruelty," every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted. The term "impure and unwholesome milk" includes all milk obtained from animals in a diseased or unhealthy condition, or fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or fermentation.

[R. L. s. 5151] (10442)

614.42 OVERWORKING OR MISTREATING ANIMALS. Every person who shall:

(1) Overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work the same when unfit for labor, whether belonging to himself or another;

(2) Deprive of necessary food, water, or shelter any animal of which he has charge or control;

(3) Keep cows or other animals in any enclosure without wholesome exercise and change of air;

(4) Feed cows on food which produces impure or unwholesome milk;

(5) Abandon any maimed, sick, infirm or disabled animal to die in any public place;

(6) Allow any such animal to lie in the street, road, or other public place for more than three hours after notice; or

(7) Wilfully set on foot, instigate, or in any way further any act of cruelty to animals, or any act tending to produce such cruelty —

Shall be guilty of a misdemeanor.

[R. L. s. 5152] (10443)

614.43 CRUELTY IN TRANSPORTATION. Every person who shall carry, or cause to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which such animals can both stand and lie down during transportation, and while awaiting slaughter; every person who shall carry, or cause to be carried, upon a vehicle or otherwise, any live animal having feet or legs tied together, or in any other cruel or inhuman manner; and every person or corporation engaged in transporting live stock who shall detain the same in cars or compartments for more than 28 consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours, unless requested to do so as hereinafter provided, or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight, or shall permit the same to be crowded together without sufficient space to stand, or so as to overlies, crush, wound, or kill each other, shall be guilty of a misdemeanor; provided, that upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time and confinement may be extended to 36 consecutive hours.

[R. L. s. 5153; 1921 c. 186 s. 1] (10444)

614.44 DOCKING HORSES. Every person who shall cut the bony part of a horse's tail for the purpose of docking it, or cause or knowingly permit the same to be done upon premises of which he is owner, lessee, or user, or who shall assist in such cutting, shall be punished by imprisonment in the county jail for not less than 30, nor more than 90, days, or by a fine of not less than \$25.00, nor more than \$100.00. When a horse shall be found so cut, and the wound resulting unhealed, upon the premises or in the custody of any person, such fact shall constitute prima facie evidence that the offense was committed by him. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals, for any offense specified in this section, shall be paid to the society whose officer or agent made the complaint.

[R. L. s. 5154] (10445)

614.45 CLIPPED HORSES. Every person having the custody of any animal which shall have had its hair removed by clipping or shearing, who, within 60 days after such clipping or shearing, and between November first and May first, shall

cause or permit such animal to stand on a road, street, or other unsheltered place, without being blanketed, shall be guilty of a misdemeanor.

[R. L. s. 5155] (10446)

614.46 POISONING ANIMALS. Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits the same to be done, or unjustifiably exposes any such drug or substance 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 for not exceeding two years, or in a county jail for not exceeding six months, or by a fine of not exceeding \$500.00, or by both such fine and imprisonment.

[R. L. s. 5157] (10448)

614.47 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 30 days, or by fine of not less than \$20.00, nor more than \$100.00.

[R. L. s. 5159] (10450)

614.48 EXPOSURE OF ANIMALS; DUTY OF OFFICERS. Any sheriff, constable, village marshal, police officer, or any agent of the Minnesota society 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. s. 5160; 1907 c. 398 s. 1] (10451)

614.49 INJURY TO BIRDS. Every person who shall in any manner wantonly maim, kill, or destroy any brown thrush, bluebird, martin, swallow, wren, catbird, robin, peewee, meadowlark, or other insect-devouring bird of any kind or name, or who shall wantonly destroy the nests or eggs of any such bird, shall be guilty of a misdemeanor, and punished by a fine of not less than \$1.00, nor more than \$15.00.

[R. L. s. 5156] (10447)

614.50 COCK-FIGHTS AND DOG-FIGHTS PROHIBITED. 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 90, days, or by fine of not less than \$5.00, nor more than \$100.00. 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.

[R. L. s. 5158] (10449)

VAGRANCY AND VARIOUS

614.51 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 \$10.00, nor more than \$100.00.

[R. L. s. 5190] (10528)

614.52 PICKING CRANBERRIES OUT OF SEASON. Every person who shall pick or gather cranberries, on lands other than his own, before September first, in any year, shall be punished by a fine of \$10.00 for each such offense.

[R. L. s. 5184] (10522)

614.53 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 \$5.00; and, upon conviction hereunder, the license of such runner shall be forfeited.

[R. L. s. 5188] (10526)

614.54 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.

[R. L. s. 5182] (10520)

614.55 PEACE OFFICERS SHALL BE VOTERS; MAY BE WOMEN; 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 that nothing in this section shall be held to prohibit the appointment of females who are qualified voters under the Constitution of the State of Minnesota, Article 7, Section 8, 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. s. 5171; 1913 c. 236 s. 1] (10500)

614.56 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 \$50.00 for each day of such violation.

[R. L. s. 5185] (10523)

614.57 APPLICATION OF TERM "VAGRANCY" AND EXTENSION OF THE SAME TO INCLUDE VARIOUS PERSONS. 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 that this section 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 30 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;

(9) A person wandering about and lodging in taverns, groceries, alehouses, outhouses, market places, sheds, stables, barns, or other uninhabited buildings or in the open air and not giving a good account of himself;

(10) Any person not blind, over 16 years of age, and who has not resided in the county in which he may be at any time for a period of six months prior thereto, and not having visible means to maintain himself, lives without employment or wanders about and begs, or goes from door to door or places himself in the streets, highways, or public passages to beg or receive alms.

Every such person shall, upon conviction thereof, be punished by imprisonment for not exceeding 90 days, or by a fine of not exceeding \$100.00.

[1909 c. 487; 1911 c. 257 s. 1; 1917 c. 292 s. 1] (10534)

614.58 EMPLOYERS NOT TO ACCEPT CONSIDERATION FOR SECURING EMPLOYMENT. Any employer, or any manager, superintendent, foreman, or other representative of any employer, who, directly or indirectly, demands or accepts from any employee any part of such employee's wages or other consideration, or any gratuity, in consideration of giving to or securing, or assisting in securing, for any employee any employment with such employer, shall be guilty of a misdemeanor.

[1933 c. 47] (10536-1)

614.59 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 section shall be a misdemeanor.

[R. L. s. 5195] (10533)

614.60 RUNNING TOLL. When any person is authorized by law to collect toll for the crossing of any bridge or ferry belonging to him, and every person who willfully 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 \$5.00. All fines received under the provisions of this section and sections 616.24 and 616.31 shall be paid into the treasury of the town where the offense was committed, to be used in repairing the public roads in such town.

[R. L. s. 5194] (10532)

614.61 CIRCUSES. Subdivision 1. **Prohibition.** It shall be unlawful for any person, firm, or corporation to conduct any circus in any city or village, or within a radius of six miles of any city or village, within a period of 18 days immediately preceding the dates of the annual Minnesota state fair, or during the time of holding such fair. Any such circus may be exhibited during this period of time if and when the circus is engaged or contracted by an accredited agricultural society to form a part of the entertainment program of the annual fair of the accredited agricultural society. Nothing herein contained shall exempt this circus from obtaining proper license or permit as provided by law.

Subdivision 2. **Penalty.** Any person, firm, or corporation violating the provisions of subdivision 1 shall be guilty of a gross misdemeanor; and, upon conviction, punished by a fine of not more than \$1,000, or by imprisonment in the county jail for a period of not to exceed one year, or by both such fine and imprisonment.

[1933 c. 357 ss. 1, 2] (10536-2) (10536-3)

MINNESOTA STATUTES 1941

3665

CRIMES AGAINST PUBLIC POLICY 614.65

614.62 CIGARETTES, WHAT SALES PROHIBITED. It shall be unlawful for any person, and any clerk, servant, employee, or agent of any person, directly or indirectly, upon any pretense, or by any device, to sell, exchange, barter, dispose of, or give away to any person below the age of 18 years any cigarettes, cigarette paper, or cigarette wrappers, or any paper made or prepared for the purpose of being used for, or in the making or manufacturing of, cigarettes.

[1919 c. 348 s. 1] (3240)

614.63 PENALTY FOR SMOKING CIGARETTES. The smoking of cigarettes within this state by any person below the age of 18 years is hereby prohibited and any person of such minor age found smoking cigarettes shall be guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not more than \$10.00, or by imprisonment in the county jail for not more than five days, such fine or imprisonment only to be imposed in the discretion of the court.

[1919 c. 348 s. 2] (3241)

614.64 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 \$50.00, or by imprisonment in the county jail for not more than 30 days.

[R. L. s. 5163] (10456)

614.65 PENALTY FOR USE OF ADULTERATED CIGARETTES. Any person within the state who manufactures, sells, gives to any one, or uses any cigarette containing any substance foreign to tobacco shall be punished by a fine of not more than \$50.00, or imprisonment in a county jail for not more than 30 days.

[1907 c. 386 s. 1] (10457)