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## OFFENSES AGAINST PUBLIC POLICY 614.01

person aggrieved in event of the institution of a civil action and is not a penalty as such. OAG June 2, 1952 (228-D).

A person who employs a minor under 18 years to work in connection with a beer parlor is subject to prosecution for violation of section 181.49. OAG Dec. 11, 1951 (270-A-4).

### CHAPTER 614

#### OFFENSES AGAINST PUBLIC POLICY

##### LOTTERIES

##### 614.01 LOTTERY, NUISANCE, DRAWING, HOW PUNISHED

**HISTORY.** RS 1851 c 104 s 1; PS 1858 c 98 s 1; GS 1866 c 99 s 1; GS 1878 c 99 s 1; Penal Code s 282-284; GS 1894 s 6576-6578; RL 1905 s 4959; GS 1913 s 8727.

Statutes prohibiting lotteries are intended to punish persons who actually operate or contrive the lottery rather than those who furnish the materials used in the game. *Hart Publications v Kaplan*, 228 M 512, 37 NW(2d) 814.

Since the plan in the instant case does not provide for payment of consideration of any kind by any participant, and the purchase of theater tickets carries with it no participation rights, such right being gained only by free registration in the lobby open to ticket purchasers and non-ticket purchasers alike, the plan did not constitute a lottery even though it resulted in an increase in paid theater patronage. *Albert Lea Amusement Corporation v Hanson*, 231 M 401, 43 NW(2d) 249.

Where the taxpayer made wagers on card games, a football game and horse races, and the wagering gains exceeded wagering losses, the wagering losses were deductible from the wagering gains in computing taxable income although taxpayer offered no proof that the wagers were transactions entered into for profit. *Humphrey v Commissioner*, 162 F(2d) 853.

An ordinance providing for the issuance of intoxicating liquor licenses by casting lots would be illegal. OAG Feb. 20, 1948 (218-G-1).

A contest with a home as a prize to be awarded to the purchaser of an admission ticket who, in the judges' opinion, filled in the blank fourth line of a jingle printed on the admission ticket is not a lottery. OAG July 31, 1947 (510-B).

A device designated "Turf," the successful operation of which is entirely dependent upon the operator's skill, is not a gambling device per se. OAG June 13, 1951 (510-B).

Giving a chance for a prize to one obtaining a high score in playing shuffle board is a lottery. OAG March 25, 1953 (510-B).

Any scheme in which the right to compete for a prize is ascertained by lot or chance is a lottery. OAG Feb. 9, 1950 (510-B-5).

A number of merchants in a community buy from a promoter a quantity of what is called "auction money." This money is distributed by the merchants to customers in the proportion to what they buy. Once every week for eight weeks, on a night certain, a bicycle is auctioned off to the person in a theater who will bid the most auction money for the bicycle. Admission to the theater is by ticket purchased at the box office. The bicycle is provided by the promoter. The scheme is not a lottery, but it is an unlawful gift enterprise. OAG March 9, 1950 (510-B-5).

There is no lottery where the element of chance is eliminated. Where as a trade stimulant theater tickets are given for the collection and delivery to a firm of a

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certain number of milk bottle tops, there is no element of chance. No decision is given as to whether or not the practice constitutes a violation of section 329.04. OAG Aug. 30, 1950 (510-B-5).

Drawings for prizes on a so-called "Appreciation Day" under the plan sold to merchants by the National Trades Day Association is a lottery and illegal. OAG April 9, 1952 (510-B-5); OAG April 28, 1952 (510-B-5).

An advertisement in a newspaper which contains a notice that in each package of animal crackers will be a certificate which may or may not draw a prize offends against sections 614.02 and 614.03. OAG Aug. 16, 1950 (510-B-6).

A scheme whereby the promoter gives five tickets to anyone calling at his place of business and a prize is awarded to the holder of the lucky number is not a lottery if the tickets are distributed free to everyone, provided that the act is not unlawful as a gift enterprise and further provided that the scheme is not an advertisement for the purpose of effecting an injury upon a competitor or destroying competition. OAG Aug. 14, 1950 (510-B-9).

A scheme by which a purchaser of merchandise reaches into a container containing money and secures a reduction in the price of merchandise furnished to the extent of the amount of money withdrawn in one handful is a lottery. OAG Oct. 30, 1950 (510-B-9).

The game of "Spin-O" is not a lottery. It is not an unlawful gift enterprise. Whether it is unfair competition under section 325.04 is a question of fact. OAG Feb. 21, 1951 (510-B-9).

A lottery is a scheme for the distribution of property by chance among persons who have paid or agree to pay a valuable consideration for the chance, whether it be called a lottery, raffle, gift enterprise, or by any other name. Such is hereby declared to be unlawful and a public nuisance. The proposed "treasure chest" is illegal. OAG May 14, 1951 (510-B-9).

An automobile dealer offers for sale a used automobile and with it gives the purchaser a one dollar bill. The serial numbers of these dollar bills will be kept and when the new 1952 models are available a number will be drawn and the winner holding the winning dollar bill may obtain a new 1952 automobile by returning the bill and his used automobile. This plan is a lottery and entirely illegal. OAG Sept. 6, 1951 (510-B-9).

On the question as to whether a proposed plan is a lottery, the fact that one person pays for a ticket and then gives such ticket to another does not eliminate the element of consideration. OAG Sept. 2, 1952 (510-B-9).

Where a person by arrangement enters an establishment wherein are pinball or bowling machines and draws a number which entitles him to a prize for high score and without any payment, the scheme is not a lottery even though it does attempt to circumvent the language of the statute. OAG Nov. 7, 1952 (510-C-1).

Whether an act is gambling and constitutes a lottery depends upon the manner of operation and is a question of fact. OAG Jan. 22, 1948 (510-C-3); OAG Feb. 18, 1949 (510-C-3); OAG Feb. 17, 1948 (733-B); OAG Jan. 29, 1948 (733-D); OAG Dec. 7, 1947 (733-G).

The sale of tickets entitling purchaser to a prize if he guesses nearest to the minute, hour, day, and month when the ice in Lake Minnetonka "breaks up," is a lottery. The elements of prizes, consideration, and chance are all present. OAG Jan. 22, 1948 (510-C-3).

A contest in which a participant, for a valuable consideration and in order to earn a prize, is required to guess the number of kernels of corn in a glass jar is a lottery. OAG Feb. 6, 1950 (510-C-3).

The purchase of an admission ticket to a water regatta which is necessary for participation in a drawing would constitute a lottery as there are three elements: the price, the chance, and the payment of consideration for the chance. OAG March 28, 1951 (510-C-5).

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Where the winner of a game is determined by knowledge, intelligence and education of the player, and not by chance, it is not a gambling device. OAG June 1, 1949 (510-D).

Sale of perfume at the price determined by a punch board is a lottery within the provisions of section 614.01; and the board used is a gambling device as defined in section 325.53. OAG July 11, 1949 (733-B).

Pinball machines which return to the players free replays and nothing else are not lotteries. OAG Aug. 29, 1947 (733-D).

A machine designated "Holly-crane" is not a gambling device because a person skilled in its operation is able to achieve the goal for which he strives much more successfully than if he was without skill. OAG Jan. 29, 1948 (733-D).

If pinball machines are games of skill the municipality has no authority to pass an ordinance prohibiting minors from playing them. OAG Feb. 24, 1949 (733-D).

A device recording a score depending upon operator's skill is not per se gambling; but a device giving prizes to certain operators attaining certain scores by drawing and chance constitutes a lottery. OAG April 13, 1951 (733-D).

Determination by lot of orders for tickets for admission to a basketball tournament to be filled when the number of applicants is greater than the number who can be admitted is not a lottery. OAG Oct. 28, 1949 (733-G).

Section 614.01 is intended to reach all devices in the nature of lotteries in whatever form presented and the courts will tolerate no evasions. A game does not cease to be a lottery because it is not profitable to the operator. A person may distribute or give away his property or money by chance providing he does so without consideration but if pay is given for a chance to participate in a drawing it is a lottery no matter how many participate without consideration. OAG July 10, 1947 (733-H).

### 614.02 SELLING TICKETS, ADVERTISING

**HISTORY.** RS 1851 c 105 s 2-5; PS 1858 c 94 s 2-5; GS 1866 c 99 s 2-5; GS 1878 c 99 s 2-5; Penal Code s 285, 286; GS 1894 s 6579, 6580; RL 1905 s 4960; GS 1913 s 8728.

The defense of illegality is ordinarily not available to a party who has breached the contract where the fault and illegality are unilateral on his side of the transaction. The fact that the printer at the time the printing order was accepted knew that the tickets were to be used in games of chance did not preclude a recovery of the agreement price for the printing in the absence of active participation by the printer in the gambling action. *Hart Publications v Kaplan*, 228 M 512, 37 NW(2d) 814.

Where a dealer was faced with two "winners" instead of one on an open house visitor drawing of a new automobile, an interpleader by the dealer would not lie as the dealer was faced with liability to each, there being two independent contracts. *Westwood Sale Service v Blumenburg*, 59 AT(2d) 381.

A lottery has three elements, (1) prize, (2) chance, and (3) consideration. In the instant case the elements of prize and consideration occur, but as the element of chance is not present, the device is not illegal. OAG Oct. 17, 1947 (510-B).

An advertisement indicating that every box of animal crackers contained a certificate for a full-sized deluxe bicycle, roller skate, or other prize is a violation of section 614.02. OAG Aug. 16, 1950 (417-E) (510-B-6).

It is not a lottery for owner of a store to give away a prize to the holder of the winning ticket where no consideration is paid for the ticket. OAG April 22, 1948 (510-B-9).

A scheme by which a purchaser of merchandise is authorized to reach into a container containing money and secure a reduction in price of the merchandise

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purchased to the extent of the amount of money withdrawn in one hand is a lottery. OAG Oct. 30, 1950 (510-B-9).

Where a mechanical clock with numerals from one to twelve is placed in a retail establishment, where anyone entering the place may without consideration choose a number and press a button, causing the clock to revolve and stop, if the person thus chooses a number the person's name will be placed in a container for a final drawing to be held at the discretion of the retail merchant, and the winner to receive a premium not to exceed \$100 in value, such arrangement is not a lottery in violation of law. OAG Aug. 10, 1953 (510-C-5).

Where individual merchants donate items of merchandise to the operators of a ball park and each person who purchases a ticket for entrance to a ball game receives a stub with a number, and the winners at the drawing receive the merchandise, such arrangement constitutes a lottery. OAG Aug. 10, 1953 (510-C-5).

### 614.03 DISPOSAL OF PROPERTY BY LOTTERY; KEEPING OFFICE; LETTING BUILDING

A scheme by which each person entering a place of business receives a ticket with duplicate numbers thereon without any charge of any kind, and places the stub in a barrel and holds the duplicate, is awarded a prize other than food, liquor, or cash, is not a lottery. OAG April 22, 1948 (510-B-9).

A plan whereby a business establishment advertised that for \$1.00 a person could buy "merchandise packages" where every package was guaranteed to contain at least \$2.50 retail value and some having value up to \$69.50, constitutes a lottery. OAG April 10, 1951 (510-B-9).

### 614.05 LOTTERIES OUT OF STATE; ADVERTISEMENTS BY NONRESIDENTS

A scheme by which purchaser of merchandise reaches into a container containing money and secures a reduction in the price of merchandise furnished to the extent of the amount of money withdrawn in one handful, is a lottery. OAG Oct. 30, 1950 (510-B-9).

Where a prize is given in a popularity contest to the person receiving the highest number of votes, the giving of a right to vote to each person purchasing \$1.00 worth of merchandise is not a lottery. OAG July 7, 1948 (510-B-11).

## GAMING

### 614.053 BINGO DEFINED

A game or mechanical device referred to in this action defining bingo may be operated by the association and under the conditions and circumstances provided in 614.054, without being subjected to the penal provisions in 325.53. OAG May 21, 1947 (733-D).

Sections 325.53, 325.54 and 325.58 providing for revocation of licenses on conditions therein provided and for such purposes defining gambling devices are not dependent on prior statutes relating to gambling devices such as sections 614.053 and 614.054. OAG May 26, 1947 (733-D).

A county fair association may upon the conditions stated in section 614.054 operate Bingo games; but an arrangement between the association and a carnival group whereby the group pays the association \$75 for the right to operate the game and all profits in excess of \$75 inure to the carnival group, is a violation of law. OAG July 13, 1948 (733-G).

The playing of bingo by the advance sale of cards before the drawing and the drawing from the cards previously sold is a lottery and not permitted. OAG May 7, 1949 (733-G).

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## 614.054 CERTAIN ASSOCIATIONS PERMITTED TO OPERATE

If an organization entitled to conduct a bingo game desires to operate at a fair, 30 days written notice of the time and place should be given to the governing body of the fair, even though they also gave notice to the governing body of the governmental subdivision in which the fair is conducted. OAG July 14, 1947 (733-G).

A county fair association which wishes to operate a bingo game on its own fair grounds may comply with the requirements as to notice by passing a resolution 30 days prior to the date on which it intends to conduct a bingo game. OAG Aug. 15, 1947 (733-G).

The "governing body," within the meaning of section 614.054, of the county fair association is the board of directors. OAG Aug. 15, 1947 (733-G).

The sale of property by a private individual to a non-profit organization, the payment to be made from the proceeds of a bingo game, is not a violation of MSA, Section 614.054; but a lease of the premises, the rental being based on a percentage of the provisions, would be illegal. OAG Sept. 10, 1947 (733-G).

A school district is not a "religious, charitable, fraternal, or other association not organized for pecuniary profit and existing under the laws of the state" under the provisions of section 614.054. OAG Oct. 8, 1947 (733-G).

A business corporation may permit on its premises a lawfully-conducted bingo game provided this is within the powers of its articles of incorporation. OAG Oct. 8, 1947 (733-G).

An arrangement between a county fair association and a carnival group whereby the latter was to pay the association for the right to operate a bingo game at the county fair, and the excess to go to the carnival group, would involve a violation of law on the part of the carnival group. OAG July 13, 1948 (733-G).

A corporation organized for profit may not operate a game under the authority of section 614.054; and a corporation organized under MSA, Chapter 309 and which is amending its articles so as to provide for capital stock and dividends does not come within the provisions of sections 614.053 and 614.054 so as to operate a bingo game. OAG Nov. 4, 1948 (733-G).

Where no consideration is paid by players in a bingo game, the game is not a lottery and is not prohibited unless it is clearly played for the purpose of injuring competitors and destroying competition, or if played in an establishment licensed for the sale of intoxicating liquor. OAG Nov. 15, 1951 (733-G).

The game of bingo when conducted by an association not organized for profit may not be played in a place licensed for the sale of intoxicating liquor. It may be played in a place licensed for the sale of non-intoxicating liquor providing local ordinance does not prohibit it. OAG Dec. 4, 1951 (733-G).

Notice should be given to the town board if bingo is to be played in the town. OAG Feb. 27, 1952 (733-G).

Playing of bingo on licensed premises or in any room adjoining premises licensed to sell intoxicating liquor violates section 314.14, subdivision 2. OAG May 14, 1952 (733-G).

## 614.06 GAMBLING

HISTORY. RS 1851 c 106 s 1-3; PS 1858 c 95 s 1-3; GS 1866 c 99 s 6-8, 12; 1874 c 48 s 1; GS 1878 c 99 s 6-8, 12; Penal Code s 294-296; GS 1894 s 6588-6590; RL 1905 s 4964; GS 1913 s 8732.

Wire communications, utilities, and bookmaking. 35 MLR 262.

The possession of dice or other use of dice for non-gambling purposes is not illegal, but the keeping of dice intended to be used in gambling is prohibited. OAG July 14, 1947 (733).

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A horse race at a county fair, though the entrants pay a fee and the race is for a purse, does not constitute a lottery. OAG July 8, 1947 (733-A).

Whether a particular device constitutes a gambling device depends upon the particular facts, the determination of which is for the courts. OAG Jan. 28, 1947 (733-D).

Funds derived by a municipality from gambling sources do not constitute legal funds of the municipality and the loser may recover such funds. OAG July 14, 1947 (733-D).

Pinball machines returning tokens which can be exchanged for merchandise or cash are unlawful devices but section 614.06 does not make pinball machines a gambling device when the tokens only entitled the player to free plays. OAG Aug. 29, 1947 (733-D).

Giving away property by chance as an inducement to selling admission tickets or for other purposes beneficial to the donor and from which a consideration has been paid constitutes a lottery. OAG June 2, 1947 (733-F).

## 614.07 GAMBLING DEVICES ON PREMISES

**HISTORY.** RS 1851 c 106 s 4; PS 1858 c 95 s 4; GS 1866 c 99 s 9; GS 1878 c 99 s 9; Penal Code s 297; GS 1894 s 6591; RL 1905 s 4965; GS 1913 s 8733.

A gambling device is anything used as a means for playing for money or anything of value so that the result depends more largely upon chance than on skill; and in the instant case although the evidence was sufficient to sustain a finding that certain articles found in the defendant's house were gambling devices, the evidence does not show that the defendant had actual possession of the articles, and the conviction is reversed. *City of St. Paul v Stovall*, 225 M 309, 30 NW(2d) 638.

The municipal court of St. Paul had jurisdiction to try the defendant taken into custody by police officers after gambling devices were discovered in the house occupied by him as a result of a search to which he consented, even though the arrest was made without a warrant. The consent of the accused to a search of his premises operates as a waiver of the right to assert that the search was unreasonable. *City of St. Paul v Stovall*, 225 M 309, 30 NW(2d) 639.

Where a person who had not before attempted to operate a machine called the "hollycrane" might find difficulty in succeeding to operate it, but a person skilled in its operation would be able to achieve the end for which he was striving, it was not a gambling device. OAG Jan. 29, 1948 (733-D).

Persons possessing and being responsible for the operation of gambling devices, such as slot machines, on property leased to the federal government in Itasca state park, are subject to state prosecution. OAG June 3, 1948 (733-B).

## 614.09 RECOVERY OF MONEY LOST

Funds derived by a municipality from gambling sources do not constitute legal funds of the municipality, and the loser may recover such funds. OAG July 14, 1947 (733-D).

## 614.11 SWINDLING BY CARDS

**HISTORY.** 1877 c 130 s 1, 2; GS 1878 c 99 s 15, 16; Penal Code s 301; GS 1894 s 6595; RL 1905 s 4969; GS 1913 s 8737.

If a concession whereby a person for a certain sum is given three strikes at a rubber bumper using a maul, and wins a prize if he hits the bumper hard enough to ring a bell, is honestly conducted so that a strong man may prevail, the operation is legal. But if the apparatus is planned so that skill or strength may be thwarted by the operator, the operation of the device is illegal under section 614.11. OAG July 10, 1947 (733-H).

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A person who purchases livestock by giving a check therefor and afterward stops payment on the check may be prosecuted for swindling. OAG Nov. 30, 1950 (133-B-36).

### SEPULTURE

#### 614.20 DISSECTION, WHEN PERMITTED

A body may be exhumed in cases where surviving spouse or next of kin consents to performance of an autopsy. OAG July 27, 1951 (103-F).

Where decedent met death by hanging and there was any suspicion that a crime had been committed, the coroner, in the proper discharge of his duties, should hold an inquest and may be required to do so by mandamus in the proper case. OAG July 27, 1951 (103-F).

A coroner's inquest, if authorized under section 390.11, does not require the consent of the next of kin of the deceased. OAG Aug. 14, 1951 (103-I).

#### 614.21 BURIAL OR CREMATION

HISTORY. Penal Code s 265, 266, 269; GS 1894 s 6559, 6560, 6563; RL 1905 s 4976; GS 1913 s 8746.

#### 614.22 OPENING GRAVE; STEALING BODY; RECEIVING SAME

HISTORY. RS 1851 s 108 s 15; PS 1858 c 96 s 15; GS 1866 c 100 s 15; GS 1878 c 100 s 16; Penal Code s 270-272; GS 1894 s 6567, 6568; RL 1905 s 4978; GS 1913 s 8748.

#### 614.24 OPENING ROAD THROUGH CEMETERY

HISTORY. RS 1851 c 108 s 17, 22; PS 1858 c 96 s 17, 22; GS 1866 c 100 s 17, 22; GS 1878 c 100 s 18, 23; GS 1894 s 6967; RL 1905 s 4979; GS 1913 s 8749.

### RELIGION

#### 614.27 PREVENTING RELIGIOUS ACT

HISTORY. RS 1851 c 108 s 14; 1852 Amend p 24 s 117; 1858 c 31; PS 1858 c 96 s 14; GS 1866 c 100 s 14; GS 1878 c 100 s 15; Penal Code s 232; GS 1894 s 6520; RL 1905 s 4984; GS 1913 s 8756.

#### 614.28 SABBATH BREAKING; DAY

HISTORY. RS 1851 c 108 s 19; PS 1858 c 96 s 19; GS 1866 c 100 s 19; GS 1878 c 100 s 20; Penal Code s 222-224; GS 1894 s 6510-6512; RL 1905 s 4980; GS 1913 s 8752.

If no machines are offered for sale and if there is no noise or disturbance an automobile salesroom may be open to the public on Sunday for the exhibition of models. OAG Nov. 22, 1947 (384).

#### 614.29 THINGS PROHIBITED; EXCEPTIONS

It is not unlawful to open an automobile sales room to the public on Sunday when no cars are offered for sale and there is no noise or disturbance. OAG Nov. 22, 1947 (384).

Shooting galleries are not "gaming" or "shows" within the meaning of section 614.29 and whether the gallery causes "noises disturbing the peace of the day" is a factual situation. OAG June 25, 1948 (510-C-6).

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The playing of an old-time orchestra can be prohibited by section 614.29 only if "noises disturbing the peace of the day" result therefrom. OAG Aug. 12, 1949 (384).

### 614.32 DISTURBING RELIGIOUS MEETING

HISTORY. RS 1851 c 108 s 14; 1852 Amend p 24 s 117; 1858 c 31 s 5, 11; PS 1858 c 96 s 14, 27, 33; GS 1866 c 100 s 14, 25, 26; GS 1878 c 100 s 15, 26, 27; Penal Code s 232; GS 1894 s 6520; RL 1905 s 4984; GS 1913 s 8757.

There is no statutory penal provision defining disorderly conduct. Standing alone, and under section 633.01, a complaint cannot be brought in municipal court for a breach of the peace unless reference to the commission of some other statutory crime is included. OAG Aug. 21, 1951 (605-B-18).

### 614.33 TRADING NEAR CAMP MEETING; PROHIBITION; EXCEPTION

HISTORY. 1858 c 31 s 3, 4, 11; PS 1858 c 96 s 25, 26, 33; GS 1866 c 100 s 23, 24, 26; GS 1878 c 100 s 24, 25, 27; Penal Code s 233, 234; GS 1894 s 6968, 6969; RL 1905 s 4986; GS 1913 s 8758.

## CRUELTY TO ANIMALS

### 614.41 DEFINITIONS

HISTORY. 1871 c 34 s 8; GS 1878 c 99 s 27; Penal Code s 501; 1889 c 209 s 18; GS 1894 s 6809; RL 1905 s 5151; GS 1913 s 8954.

### 614.42 OVERWORKING OR MISTREATING ANIMALS

HISTORY. RL 1851 c 108 s 18-22; PS 1858 c 96 s 18-22; GS 1866 c 100 s 18-22; 1871 c 34 s 1-3, 9, 11-13; GS 1878 c 99 s 21-23, 28, 30-32; GS 1878 c 100 s 19-23; Penal Code s 492; 1889 c 209 s 2; 1893 c 55 s 1; 1893 c 93 s 1; GS 1894 s 6792, 6793; RL 1905 s 5152; GS 1913 s 8955.

Evidence that defendant was owner of horses and premises upon which they had been placed, that he discharged an employee stationed there to feed and care for the horses, and that the amount of feed provided for the horses was grossly inadequate and that after notification defendant failed to visit the premises or to investigate the condition of the horses and failed to supply them with adequate feed in consequence of which they subsequently starved to death sustained conviction for violation of the statute penalizing every person depriving any animal of which he has charge or control of necessary food, water or shelter. In prosecution under statute penalizing as a misdemeanor every person who deprives any animal of which he had charge or control of necessary food, water or shelter, evidence sustained finding that defendant had actual knowledge of condition of horses which starved to death on his premises and that they were without sufficient food. *State v Klammer*, 230 M 272, 41 NW(2d) 451.

In a prosecution under a statute penalizing as a misdemeanor the person who deprives any animal of which he has charge of the necessary food, water, or shelter, the evidence sustained a finding that the defendant had actual knowledge of the condition of the horses that starved to death on his premises and that they were without sufficient food. *State v Klammer*, 230 M 272, 41 NW(2d) 451.

### 614.46 POISONING ANIMALS

It is intended under the provisions of section 614.46 to make it illegal for any person without good cause to administer any poison or noxious drugs or substance to any animal, or permit it to be done. OAG May 19, 1947 (210-D-7).



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## 614.50 COCKFIGHTS AND DOGFIGHTS PROHIBITED

HISTORY. 1871 c 34 s 10; GS 1878 c 99 s 29; Penal Code s 499; 1889 c 209 s 6; GS 1894 s 6797; RL 1905 s 5158; GS 1913 s 8961.

## MISCELLANEOUS

### 614.57 APPLICATION OF TERM "VAGRANCY" AND EXTENSION OF THE SAME TO INCLUDE VARIOUS PERSONS

While the police department must have certain latitude in order to apprehend suspicious characters, in the instant case it is apparent from the record that the evidence is not sufficient to sustain a conviction of defendant on a vagrancy charge. *State v Scavo*, ..... M ....., 55 NW(2d) 509.

### 614.575 DEAFNESS, SIMULATION A MISDEMEANOR

HISTORY. 1951 c 84 s 1; 1953 c 310 s 1.

### 614.60 RUNNING TOLL

HISTORY. 1873 c 5 s 67-72; GS 1878 c 13 s 67-72; GS 1894 s 1869, 1874; RL 1905 s 5194; GS 1913 s 9028.

### 614.66 BLIND PERSONS CARRYING WHITE CANES

HISTORY. 1945 c 369 s 1-3; 1949 c 391 s 1-3.

## CHAPTER 615

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#### 615.01 DISTURBING MEETINGS

HISTORY. 1876 c 54 s 3; GS 1878 c 98 s 10; Penal Code s 350; GS 1894 s 6644; RL 1905 s 5013; GS 1913 s 8792.

The crime of disorderly conduct was not a common law offense and only exists by virtue of the enactment of the new ordinances or statutes and the essential element of the offense defined in section 615.01 for the wilful disturbing of an assembly or meeting. OAG May 29, 1947 (605-B-18).

There is no general statutory penal provision defining disorderly conduct. Standing alone and under section 633.01, a complaint cannot be brought in the municipal court for a breach of the peace without reference to the commission of some other statutory crime. OAG Aug. 31, 1951 (605-B-18).

#### 615.09 AIMING OR DISCHARGING FIREARMS

HISTORY. Amended, 1949 c 358 s 1.

Section 100.31 applies only in cases involving taking of big game animals. Section 615.09 applies to improved public highway, one upon which the state or a governmental subdivision of the state has made some improvements and continues to maintain the highway. Section 615.09 does not apply to taking of big game animals. OAG Oct. 2, 1950 (210-A-4).

A person who discharges a firearm in a place where there is a person to be endangered, and the discharge strikes a person, is guilty of a misdemeanor. OAG Dec. 6, 1949 (494-B-23).