

# MINNESOTA STATUTES 1953 ANNOTATIONS

1589

OFFENSES AGAINST PUBLIC PEACE 615.09

## 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

### OFFENSES AGAINST PUBLIC PEACE

#### 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).

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 615.10 OFFENSES AGAINST PUBLIC PEACE

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### 615.10 USE OF FIREARMS BY MINORS

HISTORY. Amended, 1949 c 358 s 2.

### 615.15 LANGUAGE PROVOCATIVE OF ASSAULT

Assault and battery; provocation by words. 37 MLR 199.

A grocery store proprietor and the owner of a restaurant may compel a person who has antagonized, and persists in antagonizing, the proprietor by calling him names to stay off the premises. OAG Nov. 19, 1951 (605-B).

### 615.17 BRAWLING OR FIGHTING, DISORDERLY CONDUCT

HISTORY. 1953 c 661 s 1.

## CHAPTER 616

### OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

#### 616.01 PUBLIC NUISANCE

HISTORY. 1876 c 54 s 1, 2; GS 1878 c 98 s 8, 9; Penal Code s 319; GS 1894 s 6613; RL 1905 s 4987; GS 1913 s 8759.

Attractive nuisance doctrine in Minnesota as compared with reinstatement of the law. 32 MLR 526.

Because the common subject matter of sections 160.34, 616.01, and 219.383, is the prohibition of the obstruction or closing of public highways, the three statutes are in pari materia and should be construed together; and, because that is true, the provisions of section 219.383, to the extent that they prohibit a railroad from stopping a train across a street for not more than ten minutes, modify the provisions of the other two statutes and legalize any obstruction of a public highway incident to such a stop. There can be no violation of sections 160.34 and 616.01 by stopping a train across a public highway unless the stop exceeds ten minutes, in violation of section 219.383; but where the ten minutes is exceeded all three statutes are violated. *Mlenek v Fleming*, 224 M 38, 27 NW(2d) 800.

Statutes prohibiting obstruction or closing of public highways contain specific provisions which taken together constitute general provisions which may or may not establish a public nuisance. *Mlenek v Fleming*, 224 M 38, 27 NW(2d) 800.

Plaintiff tripped and fell over a ridge in the sidewalk. The sidewalk had been raised by the force of roots of a tree growing on the lot adjoining the sidewalk. The duty of keeping the sidewalk in a reasonably safe condition for travel is placed upon the city and not upon the abutting property owners or occupants. *Sand v City of Little Falls*, ..... M ....., 55 NW(2d) 49.

A city council may expend public funds for the purpose of surveying the probable cost of dikes to restrain the overflow of flood water of a river passing through said city and to engage upon the erection of a system of dikes, if upon research and survey it is deemed advisable. OAG June 20, 1952 (59-A-22).

Operation of a speed boat so as to endanger the safety of others is unlawful. OAG Aug. 23, 1951 (273-D-2).

A town board has control and jurisdiction over town roads. A party whose land abuts a public rural highway may use a portion thereof not needed for public travel and seed the same to grass within one rod of the center, but such work must not interfere with travel or improvement of the road. The privilege of the abutting owner is subject to the public easement. The maintenance of a fence by the abutting owner