

# MINNESOTA STATUTES 1953 ANNOTATIONS

1601

## OFFENSES RELATING TO NARCOTICS 618.01

Persons under 21 are forbidden to play any game of skill or chance in any dancing house, concert saloon, place where intoxicating liquors are sold or given away, or any place of entertainment injurious to the morals. A city may provide by ordinance that in places other than those above enumerated persons under 16, 18, or 21 may not play pinball machines and penalties may be imposed upon both players and owners. OAG May 4, 1951 (733-D).

### 617.63 KEEPERS OF PUBLIC PLACES TO EXCLUDE, PENALTY

A municipal ordinance is invalid which reduces the age limit below 18 years. All ordinances must conform to the constitution and general laws of the state. OAG Dec. 6, 1951 (62-C).

### 617.69 LIQUORS IN SCHOOLHOUSES OR GROUNDS

A license may not be issued for the sale of non-intoxicating malt liquors on the school grounds. OAG May 11, 1951 (217-B-5).

### 617.71 SALE OF LIQUOR OR CIGARETTES WITHIN 1,000 FEET OF CERTAIN INSTITUTIONS

In determining whether liquor is being sold within 1,000 feet of the Minnesota home school for girls measurement should be made from the club house where liquor is sold to the nearest point on the east side of Main street where the land of the institution abuts. Although the state owns the fee to the center of the street, yet the land in the street is not a part of the institution as long as it is used for a public street, and the east line of the street marks the boundary of the institution. OAG March 29, 1949 (218-G-11-A).

### 617.75 HABITUAL OFFENDERS IN CERTAIN CASES

Where a defendant has habitually violated section 239.18 by buying livestock without a license, the offense involved does not involve moral turpitude, hence section 617.75, subdivision 1, does not apply. OAG Nov. 27, 1953 (296) (341-I).

Whether or not a person may be convicted as an habitual offender, where he has been convicted three times on a plea of guilty to a gross misdemeanor for issuing a check without funds, depends upon whether there was intent to defraud involving moral turpitude within the meaning of section 617.75. OAG Sept. 27, 1950 (341-I).

Conviction for issuing a worthless check under sections 622.03, 622.04, with intent to defraud, is a conviction for a misdemeanor involving moral turpitude within the meaning of section 617.75. OAG Dec. 24, 1953 (341-I).

## CHAPTER 618

### OFFENSES RELATING TO NARCOTICS

NOTE: Prior to the enactment of Laws 1915, Chapter 260, the only legislation on the subject of narcotics was Mason's, section 104.53, relating to "opium joints." The provisions of Laws 1915, Chapter 260, were repealed when Minnesota adopted The Uniform Narcotic Drug Act, Laws 1937, Chapter 74. This has been adopted in substantially the language of the Uniform Act in the following states: Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming; (As amended): Alaska, Louisiana, North Dakota, Rhode Island, South Dakota, Wisconsin.

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 618.01 OFFENSES RELATING TO NARCOTICS

1602

### 618.01 DEFINITIONS

HISTORY. 1915 c 260 s 5; 1937 c 74 s 1; 1945 c 41 s 1, 2; 1949 c 360 s 1, 2; 1953 c 431 s 1, 2.

A licensed chiropodist may lawfully use narcotics in the practice of his profession, provided he limit the use of such narcotics to use as a local anaesthetic. OAG April 25, 1951 (546-D).

### 618.02 ACTS PROHIBITED

HISTORY. 1915 c 260 s 1; 1937 c 74 s 2.

### 618.06 SALES BY RETAIL DRUGGISTS

HISTORY. 1915 c 260 s 2, 3; 1919 c 208 s 1; 1937 c 74 s 6.

### 618.08 PREPARATIONS EXEMPTED; CONDITION OF EXEMPTION

HISTORY. 1937 c 74 s 8; 1941 c 157 s 1; 1953 c 431 s 3.

### 618.14 DRUG ADDICT RESORTS A COMMON NUISANCE

HISTORY. 1889 c 17 s 1; GS 1894 s 6950; RL 1905 s 6152; GS 1913 s 8965; 1937 c 74 s 14.

### 618.16 BOARD MAY SUSPEND OR REVOKE LICENSES

HISTORY. 1915 c 260 s 4; 1937 c 74 s 16.

### 618.21 VIOLATIONS

HISTORY. 1937 c 74 s 21; 1953 c 431 s 4.

## CHAPTER 619

### CRIMES AGAINST THE PERSON

#### HOMICIDE

### 619.05 HOMICIDE CLASSIFIED

HISTORY. 1851 c 100 s 1; PS 1858 c 89 s 1; GS 1866 c 94 s 1; GS 1878 c 94 s 1; Penal Code s 148, 149; GS 1894 s 6433, 6434; RL 1905 s 4874; GS 1913 s 8601.

Criminal prosecution; blood samples obtained without consent, as evidence. 37 MLR 208.

To support a conviction of manslaughter in the second degree the prosecution must prove beyond a reasonable doubt that the defendant's acts were a proximate cause of the victim's death; and whether acts of third parties are intervening causes of victim's death is a question for the jury. *State v Schaub*, 231 M 512, 44 NW(2d) 61.

Where a view of the locus in quo is ordered by trial court in a criminal case an official court reporter should be present at such time. *State v Shetsky*, 229 M 566, 40 NW(2d) 337.

In homicide prosecution, evidence of defendant's flight during trial while on bail, was admissible, since flight in connection with other proof may form the basis from which guilt may be inferred. *State v Shetsky*, 229 M 556, 40 NW(2d) 337.