

CHAPTER 621

OFFENSES AGAINST PROPERTY BY FORCE

Sec.		Sec.	
621.01	Definitions	621.28	Injuring miscellaneous properties
	ARSON	621.29	Injuries to railways
621.021	Arson, first degree	621.30	Interfering with railway gates and obstructing
621.025	Arson, second degree	621.31	Trespass on railway track
621.031	Arson, third degree	621.32	Injury to baggage
621.035	Arson, fifth degree	621.33	Interfering with electric apparatus
621.041	Arson, fourth degree	621.34	Fraudulent appropriation of electricity, gas, water, or heat
621.05	Contiguous buildings; appurtenances	621.341	Operation of vending machines by means of slugs or tricks
621.06	Ownership of building	621.342	Interference with operation of coin-box telephones
621.065	Effect	621.35	Willful trespass on pine lands, how punished
	BURGLARY	621.36	Cutting of certain trees forbidden
621.07	Burglary; first degree	621.37	Penalties
621.08	Breaking and entering	621.38	Proof of intent; defenses
621.09	Burglary; second degree	621.39	Construction of sections 621.36 to 621.39
621.10	Burglary; third degree	621.40	Injury to standing crops
621.11	Unlawfully entering building	621.41	Burning growing crops, trees, or other property
621.12	Burglary and other crime punished separately	621.42	Smoking, where prohibited
621.13	Making or having burglars' tools; evidence	621.43	Obstructing extinguishment of fire
	EXTORTION, BLACKMAIL, OPPRESSION	621.44	Endangering life and property by explosives
621.14	Extortion	621.45	False signals for vessel or railway train
621.15	Extortion by public officer	621.46	Injury to United States lights
621.16	Interfering with employee or membership in union	621.47	Buoys or beacons; mooring to; injuring
621.17	Oppression under color of office	621.48	Draining meandered lakes; use as log reservoirs
621.18	Blackmail	621.49	Interfering with dam or appurtenances
621.19	Written and verbal threats	621.50	Obstructing public levees
	INJURIES TO PROPERTY	621.51	Injury to house of worship or appurtenances
621.20	Removing property from mortgaged land	621.52	Injury to works of art, etc.
621.21	Mortgaged chattels; selling, concealing	621.53	Injury to articles in museum or library
621.22	Selling or pledging borrowed property	621.54	Placing of noxious or inflammable substance forbidden; penalty
621.23	Willful destruction of vessel	621.55	Opening sealed letters or telegrams
621.24	Fraudulent destruction of insured property	621.56	Coercion
621.25	Injury to property	621.57	Willful trespass a misdemeanor
621.26	Injury to other property		
621.27	Injury to buildings		

621.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. **Night-time.** The word "night-time" means the period between sunset and sunrise.

Subd. 3. **Dwelling house.** The words "dwelling house" mean every building or structure which shall have been usually occupied by persons lodging therein at night and when it shall be so constructed as to consist of two or more parts, occupied or intended to be occupied by different tenants separately by usually lodging therein at night, or for any other separate purpose, each part shall be deemed the separate dwelling house of the tenant occupying the same.

Subd. 4. **Building.** The word "building" means every house, vessel, railway car, tent, shop, or other structure suitable for affording shelter for human beings, or appurtenant to or connected with a structure so adapted.

Subd. 5. **Inhabited building.** The term "inhabited building" means any building any part of which has usually been occupied by a person lodging therein at night.

Subd. 6. **Break.** The word "break" includes:

(1) Breaking, or violently detaching, any part, internal or external, of a building;

(2) Opening, for the purpose of entering therein, by any means, any outer door of a building, or of any apartment or set of apartments therein separately used and occupied, or any window, shutter, scuttle, or other thing used for covering or closing an opening thereto or therein, or which gives passage from one part thereof to another;

(3) Obtaining an entrance into such building or apartment by any threat or artifice used for that purpose, or by collusion with any person therein; or

(4) Entering such building or apartment by or through any pipe, chimney, or other opening, or by excavating, digging, or breaking through or under the building or the walls or foundation thereof.

Subd. 7. **Enter.** The word "enter" includes the entrance of the offender into such building or apartment, or the insertion therein of any part of his body, or of any instrument or weapon held in his hand, and used or intended to be used to threaten or intimidate the inmates, or to detach or remove property.

[R. L. s. 5035] (10308)

ARSON

(621.02.) [Repealed, 1953 c 602 s 6]

621.021 ARSON, FIRST DEGREE. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether permanently affixed to the land or not, whether occupied, unoccupied or vacant, or any shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, whether the property of himself or of another, shall be guilty of arson in the first degree, and upon conviction thereof, be sentenced to the penitentiary for not less than two nor more than 20 years.

[1953 c 602 s 1]

621.025 ARSON, SECOND DEGREE. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in section 621.021, shall be guilty of arson in the second degree, and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years.

[1953 c 602 s 2]

621.03 [Repealed, 1953 c 602 s 6]

621.031 ARSON, THIRD DEGREE. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any personal property (other than a dwelling house) belonging to another person, shall be guilty of arson in the third degree and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.

[1953 c 602 s 3]

621.035 ARSON, FIFTH DEGREE. Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall be guilty of arson in the fifth degree and upon conviction thereof be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed \$1,000.

The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of sections 621.021 to 621.065 constitute an attempt to burn such building or property.

[1953 c 602 s 4; 1957 c 717 s 1]

621.04 [Repealed, 1953 c 602 s 6]

(621.041) **ARSON, FOURTH DEGREE.** Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who aids, counsels or procures the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of arson in the fourth degree and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.

[1953 c 602 s 5; 1957 c 717 s 2]

621.05 CONTIGUOUS BUILDINGS; APPURTENANCES. When an appurtenance to a building is so situated with reference to such building, or when any building is so situated with reference to another building, that the burning of the one will manifestly endanger the other, a burning of the one shall be deemed a

MINNESOTA STATUTES 1957

4479

OFFENSES AGAINST PROPERTY BY FORCE 621.10

burning of the other, within the provisions of this act, against any person actually participating in the original setting on fire, as of the moment when the fire from the one communicates to and sets on fire the other.

[R. L. s. 5039; 1953 c. 602 s. 7]

621.06 OWNERSHIP OF BUILDING. To constitute arson, it shall not be necessary that another person than the defendant should have had ownership in the building set on fire.

[R. L. s. 5040] (10313)

621.065 EFFECT. The enactment of Laws 1953, Chapter 602, shall not affect any act done, or offense committed, or punishment incurred prior to the time that the repeal of any statute under Laws 1953, Chapter 602, Section 6, takes effect, but the same may be enforced and prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected, and all criminal prosecution actions and proceedings commenced under or by virtue of any provision of a statute repealed by such section 6 may be prosecuted and defended to final effect in the same manner as if such statutes were not so repealed.

[1953 c. 602 s. 8]

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BURGLARY

621.07 BURGLARY; FIRST DEGREE. Every person who, with intent to commit some crime therein, shall break and enter, in the night-time, the dwelling house of another, in which there shall be at the time a human being:

- (1) Being armed with a dangerous weapon;
- (2) Arming himself therein with such a weapon;
- (3) Being assisted by a confederate actually present; or
- (4) While engaged, in the night-time, in effecting such entrance, committing any crime in such building, or in escaping therefrom, shall assault any person —

Shall be guilty of burglary in the first degree, and punished by imprisonment in the state prison for not less than ten years.

[R. L. s. 5041] (10314)

621.08 BREAKING AND ENTERING. A person who, with intent to commit some crime therein, breaks and enters, in the night-time, the dwelling house of another, in which there is at that time a human being; first, being armed with a dangerous weapon; or, second, arming himself therein with such weapon; or, third, being assisted by a confederate actually present; or, fourth, who, while engaged in the night-time in effecting such entrance, or in committing any crime in such a building, or in escaping therefrom, assaults any person; or, who, with intent to commit some crime therein, breaks or enters any building, or a room, or any part of a building, and, while therein, has in his possession or makes use of, any dangerous explosive, or burglars' tools, is guilty of burglary in the first degree.

[G. S. 1894 s. 6677; 1905 c. 210 s. 1] (10315)

621.09 BURGLARY; SECOND DEGREE. Every person who, with intent to commit some crime therein, shall break and enter the dwelling house of another, in which there is a human being, under circumstances not amounting to burglary in the first degree, or any person who, with intent to commit some crime therein, shall break and enter any room or building, whether occupied by a human being at the time or not, wherein a general banking business is carried on, or any structure wherein a business of receiving public or private funds on deposit is done, shall be guilty of burglary in the second degree, and punished by imprisonment in the state prison for not more than ten years.

[R. L. s. 5042; 1907 c. 227 s. 1] (10316)

621.10 BURGLARY; THIRD DEGREE. Every person who, with intent to commit a crime therein, shall break and enter a building, or any part thereof, or a room; or,

Being in any building, shall commit a crime therein, and shall break out of the same —

Shall be guilty of burglary in the third degree, and shall be punished by imprisonment in the state prison for not more than five years.

[R. L. s. 5043; 1911 c. 15 s. 1] (10317)

621.11 UNLAWFULLY ENTERING BUILDING. Every person who, under circumstances or in a manner not amounting to a burglary, shall enter a building, or any part thereof, with intent to commit a felony or any malicious mischief, shall be guilty of a gross misdemeanor.

[R. L. s. 5044] (10318)

621.12 BURGLARY AND OTHER CRIME PUNISHED SEPARATELY. Every person who, having entered a building under such circumstances as to constitute burglary in any degree, shall commit any crime therein, shall be punished therefor as well as for the burglary, and may be prosecuted for each crime separately.

[R. L. s. 5045] (10319)

621.13 MAKING OR HAVING BURGLARS' TOOLS; EVIDENCE. Every person who shall make or mend, or cause to be made or mended, or have in his possession, in the day or night-time, any engine, machine, tool, false key, picklock, bit, nippers, implement, or explosive adapted, designed, or commonly used for the commission of burglary, larceny, or other crime, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of a crime, or knowing that the same is intended to be so used, shall be guilty of a felony. The having in possession any such engine, machine, tool, false key, picklock, bit, nippers, implement, or explosive shall be prima facie evidence of an intent to so use or employ the same in the commission of a crime.

[R. L. s. 5046; 1909 c. 157 s. 1] (10320)

EXTORTION, BLACKMAIL, OPPRESSION

621.14 EXTORTION. Extortion is the obtaining of property from another with his consent induced by a wrongful use of force or fear or under color of official right. Every person who shall induce another, by a threat, to do an unlawful injury to the person or property of the one threatened, or to a relative or member of his family, or to accuse him or any of them of any crime, or to expose or impute to him or any of them any deformity or disgrace, or to expose any secret affecting him or any of them; every person who, by force or threat, shall compel or induce another to make, subscribe, execute, alter, or destroy any valuable security, or instrument or writing affecting or intended to affect any cause of action or defense, or any property; every person indebted to another for labor, or any agent of any person, copartnership, or corporation so indebted, who, with intent to secure a discount upon such indebtedness, shall wilfully refuse to pay the same, or falsely deny the amount or validity thereof, or that the same is due; and every person who shall extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat hereinbefore mentioned, shall be guilty of extortion, and punished by imprisonment in the state prison for not more than five years.

[R. L. s. 5096] (10377)

621.15 EXTORTION BY PUBLIC OFFICER. Every public officer who shall ask or receive, or agree to receive, a fee or other compensation for his official services, either in excess of that allowed him by statute, or, where no fee or compensation is allowed to him by statute therefor, commits extortion, and shall be guilty of a misdemeanor.

[R. L. s. 5099] (10380)

621.16 INTERFERING WITH EMPLOYEE OR MEMBERSHIP IN UNION. It shall be unlawful for any person, company, or corporation, or any agent, officer, or employee thereof, to coerce, require, or influence any person to enter into any agreement, written or verbal, not to join, become, or remain a member of any lawful labor organization or association, as a condition of securing or retaining employment with such person, firm, or corporation. It shall be unlawful for any person, company, or corporation, or any officer or employee thereof, to coerce, require, or influence any person to contribute or pay to any person, company, or corporation, or any officer or employee thereof, any sum of money or other valuable thing for the sole purpose of securing or retaining employment with such person, firm, or corporation. It shall be unlawful for any two or more corporations or employers to combine, to agree to combine, or confer together for the purpose of interfering with any person in procuring, or in preventing him from procuring, employment, or to secure the discharge of any employee by threats, promises, circulating blacklists, or any other means whatsoever. It shall be unlawful for any

company or corporation, or any agent or employee thereof, to blacklist any discharged employee, or by word or writing seek to prevent, hinder, or restrain a discharged employee, or one who has voluntarily left its employ, from obtaining employment elsewhere. Every person and corporation violating any of the foregoing provisions shall be guilty of a misdemeanor.

[R. L. s. 5097; 1921 c. 389 s. 1] (10378)

621.17 OPPRESSION UNDER COLOR OF OFFICE. Every public officer, or person pretending to be such, who, unlawfully and maliciously, under pretense or color of official authority:

- (1) Shall arrest another or detain him against his will;
- (2) Seize or levy upon another's property;
- (3) Dispossess another of any lands or tenements; or
- (4) Do any other act whereby another person shall be injured in his person, property, or rights —

Commits oppression, and shall be guilty of a gross misdemeanor.

[R. L. s. 5098] (10379)

621.18 BLACKMAIL. Every person who, knowing its contents, and with intent by means thereof to extort or gain any money or other property, or to do or abet or procure any illegal or wrongful act, shall send, deliver, or in any manner cause to be forwarded or received, or who shall make and part with for the purpose of being delivered, any letter or writing, threatening:

- (1) To accuse any person of a crime;
- (2) To do any injury to any person or property;
- (3) To publish or connive at publishing any libel; or
- (4) To expose or impute to any person any deformity or disgrace —

Shall be punished by imprisonment in the state prison for not more than five years.

[R. L. s. 5100] (10381)

621.19 WRITTEN AND VERBAL THREATS. Every person who, knowing the contents thereof, shall send, deliver, or in any manner cause to be sent or received, any letter or other writing, threatening to do any unlawful injury to the person or property of another, or who, under circumstances not amounting to robbery, or an attempt at a robbery, with intent to extort or gain any money or other property, shall verbally make such threat as would be criminal under sections 621.14 to 621.18, if made or communicated in writing, shall be guilty of a misdemeanor. It is not material whether such threat be made of things to be done or omitted by the offender or by any other person.

[R. L. s. 5101] (10382)

INJURIES TO PROPERTY

621.20 REMOVING PROPERTY FROM MORTGAGED LAND. Every mortgagor or other person who shall remove any building, fixture, or fence situate or being upon any real estate on which a mortgage or mechanic's lien exists, either before or after the foreclosure of such mortgage or lien, to the prejudice of the holder thereof, with intent to impair or lessen the value of such mortgage or lien, without first having obtained the consent of the person owning or holding the same, shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than \$500, or by both.

[R. L. s. 5108] (10394)

621.21 MORTGAGED CHATTELS; SELLING, CONCEALING. Every person who, with intent to place mortgaged personal property beyond the reach of the mortgagee or his assigns, shall remove or conceal, or aid or abet in removing or concealing, any such property, and any mortgagor of such property who shall assent to or knowingly suffer such removal or concealment, or, at any time before the debts secured by a chattel mortgage has been fully paid, shall sell, convey, or in any manner dispose of the personal property so mortgaged, or any part thereof, without the written consent of the mortgagee or his assigns, or without informing the person to whom he shall sell, convey, or dispose of the same that it is mortgaged, and the true amount then due on the debt secured by such mortgage, shall be punished by imprisonment in the state prison or county jail for not more than one year, or by a fine of not more than \$500; provided, that if the amount of the debt remaining unpaid at the time of selling or concealing is \$1,000 or more, such person may be punished by imprisonment in the state prison for not more than three years.

"Chattel mortgage," within the meaning of this section, shall include every written instrument, whether in form a chattel mortgage or contract of conditional sale, whereby the title of personal property therein described is mortgaged, held, or reserved as security for a debt; mortgaged personal property shall include all personal property which is described in or covered by any such instrument; and the provisions and penalties of this section shall apply to all vendors and vendees of personal property, the title to which is so held or reserved, in the same manner and with the same force and effect as applicable to mortgagors and mortgagees.

When, in any prosecution under this section, it shall appear that default has occurred in the payment of the debts secured by the mortgage or conditional sale contract, and it shall further appear that the mortgagor or conditional vendee has failed or refused to reveal the location of the mortgaged property or the property to which the title was reserved, it shall then be considered as prima facie evidence that the mortgagor or conditional vendee has removed, concealed, or disposed of the property.

In any prosecution under this section, it shall be a sufficient allegation and description of the mortgage and the mortgaging of personal property to state that such property was duly mortgaged by a certain chattel mortgage, giving the date thereof and the names of the mortgagor and the mortgagee.

[R. L. s. 5109, 5110; 1917 c. 90 s. 1; 1931 c. 343 s. 1; 1955 c. 467 s. 1] (10395, 10396)

621.22 SELLING OR PLEDGING BORROWED PROPERTY. Every person who, without the consent of the owner thereof, shall sell, pledge, pawn, or otherwise dispose of any property which he has borrowed or hired from the owner, shall be guilty of a misdemeanor. This shall not apply to a person leasing or lending property for a time not exceeding that for which the same was hired or lent to himself.

[R. L. s. 5111] (10397)

621.23 WILFUL DESTRUCTION OF VESSEL. Every person who shall wreck, burn, sink, scuttle, or otherwise injure or destroy a vessel or its cargo, or wilfully permit the same to be done, with intent to prejudice or defraud an insurer or any other person, or who shall fit out any vessel, or shall load any cargo on board thereof, with intent to permit or cause the same to be wrecked, sunk, or otherwise injured or destroyed, and thereby defraud or prejudice an insurer or other person, shall be punished by imprisonment in the state prison for not more than five years.

[R. L. s. 5112] (10398)

621.24 FRAUDULENT DESTRUCTION OF INSURED PROPERTY. Every person who, with intent to defraud or prejudice the insurer thereof, shall wilfully burn or in any manner injure or destroy property not specified or included in this chapter, which is insured at the time against loss or damage by fire or any other casualty, under such circumstances that the offense is not arson in any of its degrees, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than \$500, or by both.

[R. L. s. 5114] (10400)

621.25 INJURY OF PROPERTY. Every person who shall wilfully:

(1) Cut down, destroy, or injure any wood or timber standing or growing, or which has been cut down and is lying upon lands of another or of the state;

(2) Cut down, girdle, or otherwise injure a fruit, shade, or ornamental tree standing on the lands of another or of the state;

(3) Sever from the freehold of another or of the state any produce thereof, or anything attached thereto;

(4) Dig, take, or carry away, without lawful authority or consent, from any lot of land in any city or village, or from any lands included within the limits of a street or avenue laid down on the map of such city or village, or otherwise recognized or established, any earth, soil, or stone;

(5) Enter, without the consent of the owner or occupant, any orchard, fruit garden, vineyard, garden, field, or ground whereon is cultivated or growing any fruit or vegetable with intent to take, injure, or destroy anything there grown or growing;

(6) Cut down, destroy, or in any way injure any shrub, tree, or vine being or growing within any such orchard, garden, vineyard, or upon any such ground, or any building, framework, or erection thereon; or

(7) Untie, unfasten, or liberate, without authority, the horse or team of another, or lead, ride, or drive away, without authority, the horse or team of another, from the place where left by the owner or person in charge thereof —

Any person who shall be found guilty of any offense named in clause (1), (2), (3), or (6) shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than \$250, or by both.

Any person found guilty of any offense named in clause (4), (5), or (7) shall be guilty of a misdemeanor.

[R. L. s. 5133; 1909 c. 145 s. 1] (10422)

621.26 INJURY TO OTHER PROPERTY. Every person who shall unlawfully and wilfully destroy or injure any real or personal property of another, which is not specially described herein, and where the punishment is not specially prescribed by statute, shall be punished as follows:

(1) If the value of the property destroyed, or the diminution in value by injury to the same, shall be less than \$20, by imprisonment in the county jail for not more than three months or by a fine of not more than \$100;

(2) If the value of the property destroyed, or the diminution in value by the injury, shall be \$20 or more, by imprisonment in the county jail for not more than one year or by fine of not more than \$500 or by both.

In addition to the punishment herein prescribed, he shall be liable in treble damages for the injury done, to be recovered in a civil action by the owner of the property, or the public officer having charge thereof.

[R. L. s. 5141] (10432)

621.27 INJURY TO BUILDINGS. Every person who shall in any manner wilfully damage any building, or part thereof, throw any stone or other missile at or break any window therein, or who shall aid, counsel, hire, or procure any person so to do, shall be guilty of a misdemeanor.

[R. L. s. 5149] (10440)

621.28 INJURING MISCELLANEOUS PROPERTIES. Every person who shall wilfully or maliciously displace, remove, injure, or destroy:

(1) A highway, or a private way laid out by authority of law, or a bridge upon such public or private way;

(2) A pile or other material fixed in the ground, and used for securing any bank or dam of any river or other water, or any dock, quay, jetty, or lock;

(3) A buoy or beacon lawfully placed in any waters within the state;

(4) A tree, rock, post, or other monument which has been erected or marked for the purpose of designating a point in the boundary of the state, of a county, city, village, town, or of a farm, tract, or lot of land, or any mark or inscription thereon;

(5) A mileboard, milestone, or guidepost erected upon a highway, or any inscription thereon;

(6) A line of telegraph or telephone, or any part thereof, or any appurtenance or apparatus connected with the working of any magnetic or electric telegraph or telephone, or the sending or conveyance of messages thereby;

(7) A pipe or main for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenance or appendage connected therewith;

(8) A sewer or drain, or a pipe or main connected therewith or forming part thereof; or

(9) Who shall destroy, or damage with intent to destroy or render useless, any engine, machine, tool, or implement intended for use in trade or husbandry —

Shall be guilty of a misdemeanor.

[R. L. s. 5190] (10419)

621.29 INJURIES TO RAILWAYS. Every person who:

(1) Shall displace, remove, injure, or destroy a rail, sleeper, switch, bridge, viaduct, culvert, embankment, or structure, or any part thereof, attached or appertaining to or connected with a railway, whether operated by steam, electricity, or any other motive power;

(2) Shall place any obstruction upon the track of such a railway; or

(3) Shall wilfully discharge a loaded firearm, or project or throw a stone or other missile, at a railway train, locomotive, car, or vehicle standing or moving upon a railway —

Shall be punished as follows:

(a) If thereby the safety of any person is endangered, by imprisonment in the state prison for not more than ten years;

(b) In every other case, by imprisonment in the state prison for not more than three years or by fine of not more than \$250 or by both.

[R. L. s. 5124] (10413)

621.30 INTERFERING WITH RAILWAY GATES AND OBSTRUCTING.

Every person who, without lawful authority, shall break down or carry away any part of any fence, bars, or gate at a crossing over any railway track, or plank used for such crossing, or shall destroy or injure any hedge, ditch, or other structure used or intended as a fence to enclose any railway tracks; every person using any gate or bars, or opening the same for any purpose, at any railway crossing, who shall permit any animal to stray upon a railway track or enclosed right of way, or who shall leave such bars down, or gate open, so that animals may stray upon such railway track; and every person who shall lead, drive, or turn upon such track any animal for grazing or other purposes, shall be guilty of a misdemeanor and punished for each such offense by imprisonment in the county jail for not more than 30 days or by a fine of not less than \$10 nor more than \$50.

[R. L. s. 5147] (10438)

621.31 TRESPASS ON RAILWAY TRACK. Every person, not an employee of a railway company, who, without permission from such company, on foot or with any animal or vehicle, shall enter upon any railway bridge or trestle, or who, without a permit, shall ride, operate, or propel a velocipede, track bicycle, or tricycle on or along the track of any railway, shall be guilty of a misdemeanor.

[R. L. s. 5148] (10439)

621.32 INJURY TO BAGGAGE. Every person employed by a railway or other corporation, every express agent, stage driver, drayman, hackman, or other person, who shall handle, remove, or take care of trunks, valises, boxes, packages, or other baggage, who, while handling, loading, transporting, unloading, delivering, or storing the same, shall wilfully, wantonly, or carelessly break, injure, or destroy the same, or any part thereof, shall be guilty of a misdemeanor.

[R. L. s. 5150] (10441)

621.33 INTERFERING WITH ELECTRIC APPARATUS. Every person who shall wilfully destroy, injure, disconnect, displace, cut, break, deface, ground, or in any way interfere with any pole, cable, or wire legally erected, put up, or strung, or any underground conduit, subway, or cable, or any electrical or other apparatus, lamps, transformer, switch, appliance, instrument or machinery of any kind used in the construction or operation of any electric or telephone plant, line, or system, or used in the producing, generating, or transmitting of electric light, heat, or power, or who shall aid, agree with, employ, or conspire with any other person to do any of such acts, shall be guilty of a misdemeanor.

[R. L. s. 5142] (10433)

621.34 FRAUDULENT APPROPRIATION OF ELECTRICITY, GAS, WATER, OR HEAT. Every person who shall wilfully make any connection with any meter, pipe, conduit, wire, line, or other apparatus belonging to any person, firm, company, or municipality using or engaged in the manufacture, supply, sale, or distribution of electricity, electric current, gas, water, or heat, for the purpose of taking, using, or wasting such electricity, electric current, gas, water, or heat, or shall wilfully prevent any meter from duly measuring or registering the quantity of such commodity supplied, or shall in any way interfere with its proper action or just registration, or shall, without the consent of such person, municipality, firm, or corporation, wilfully divert any such commodity of such person, municipality, firm, or corporation, or in any way wilfully use or cause to be used, without the consent of such person, municipality, firm, or corporation, any such commodity manufactured or distributed by such person, municipality, firm, or corporation, or shall aid, agree with, employ, or conspire with any other person to do any of such acts, or who shall deposit in any meter or other apparatus used by an electric light or telephone company, or other person, municipality, firm, or corporation, for the prepayment for current or service, any token, article or device, except lawful coin of the United States, for the purpose of fraudulently obtaining such current or service, shall be guilty of a misdemeanor.

[R. L. s. 5143; 1907 c. 166 s. 1; 1927 c. 298] (10434)

621.341 OPERATION OF VENDING MACHINES BY MEANS OF SLUGS OR TRICKS. Any person who shall operate or cause to be operated or who shall attempt to operate or attempt to cause to be operated any automatic vending machine, coin-box telephone or other receptacle designed to receive lawful coin of the United

States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or of any false, counterfeited, mutilated or sweated coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin-box telephone or receptacle; or who shall take, obtain or receive from or in connection with any automatic vending machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle, lawful coin to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor.

[1957 c 39 s 1]

621.342 INTERFERENCE WITH OPERATION OF COIN-BOX TELEPHONES.

A person who, without lawful authority, shall place or insert any paper, cloth, wadding, or any other article, object, material, substance, instrument or contrivance within the return coin chute or in any other part of a coin-box telephone under the control of any telegraph or telephone company doing business in this state in such manner as to prevent, interfere with or obstruct the return of coins to the users of such coin-box telephone, or in such manner as to cause such coins to be unlawfully returned, or who shall by any such or other means or device whatsoever prevent or contrive to prevent the return of coins to such users or who shall by any device or contrivance or in any manner whatsoever, obstruct, alter, injure, or interfere with the action or operation of such coin-box telephone, or who shall place or insert in any part of said coin-box telephone any such article, substance, contrivance or device in such manner as will obstruct, alter, injure or interfere with the action or operation of such coin-box telephone, shall be guilty of a misdemeanor.

[1957 c 39 s 2]

621.35 WILFUL TRESPASS ON PINE LANDS, HOW PUNISHED. Every person who shall commit any wilful trespass upon lands now or hereafter held in trust or otherwise by the state, by cutting pine timber for lumber purposes, or by evidently endangering or exposing pine timber to fire or decay, or who shall in any manner aid or abet such trespass, or who shall wilfully burn over, or cause to be burned over, any of such lands, shall be guilty of a felony, and punished by imprisonment in the state prison for not more than one year, or by fine of not more than \$1,000, or by both.

[R. L. s. 5034] (10307)

621.36 CUTTING OF CERTAIN TREES FORBIDDEN. No person shall cut, remove, or transport for decorative purposes or for sale, in its natural condition and untrimmed, any growing pine, cedar, evergreen, or coniferous tree, bush, sapling, or shrub, except nursery stock, without the written consent of the owner of the land on which the same is grown, whether such land be publicly or privately owned. Such written consent shall contain the legal description of the land where such tree, bush, or sapling, or shrub was cut, as well as the name of the legal owner thereof, and such written consent, or a copy thereof certified as a true copy by the person to whom such consent was given, or by the register of deeds of the county in which the land is situated, if recorded in his office, shall be carried by every person cutting, removing, or transporting any such trees, bushes, saplings, or shrubs untrimmed or in their natural condition, or in any way aiding therein, and shall be exhibited to any officer of the law, forest ranger, forest patrolman, game warden, or other officer of the department of conservation, at his request at any time. Any such officer shall have power to inspect any such trees, bushes, saplings, or shrubs when being transported in any vehicle or other means of conveyance or by common carrier, and to make such investigation with reference thereto as may be necessary to determine whether or not the provisions of sections 621.36 to 621.39 have been complied with, and to stop any vehicle or other means of conveyance found carrying any such trees, bushes, saplings, or shrubs upon any public highways of this state, for the purpose of making such inspection and investigation, and to seize and hold subject to the order of the court any such trees, bushes, saplings, or shrubs, found being cut, removed, or transported in violation of sections 621.36 to 621.39. No common carrier or agent thereof shall receive for shipment or transportation any such trees, bushes, saplings, or shrubs unless the consignor, whose name

and address shall be recorded, exhibited at the time of consignment the written consent or certified copy thereof herein provided for. Failure to so exhibit such written consent shall be prima facie evidence that no such consent was given or exists.

[1927 c. 10 s. 1; 1929 c. 285 s. 1] (10422-1)

621.37 PENALTIES. Any person who violates any of the provisions of sections 621.36 to 621.39 shall, for the first violation, be guilty of a misdemeanor; and, for a second and each subsequent violation during the same calendar year, shall be guilty of a gross misdemeanor. Every written consent for any purpose specified in sections 621.36 to 621.39 and every certified copy of such consent shall be deemed to be a written instrument within the meaning of the laws relating to forgery, and any person who shall forge any such written consent or certified copy thereof shall be guilty of forgery in the second degree, and shall be punished accordingly. Any person who shall lend or transfer or offer to lend or transfer any such written consent or certified copy thereof to another person who is not entitled to use the same, and any person not entitled to use any such written consent or certified copy thereof who shall use any such written consent or certified copy thereof, or who shall borrow, receive, or solicit from another any such written consent or certified copy thereof, shall be guilty of a gross misdemeanor, and punished accordingly.

[1927 c. 10 s. 2; 1929 c. 285 s. 2] (10422-2)

621.38 PROOF OF INTENT; DEFENSES. In any prosecution under sections 621.36 to 621.39 it shall not be necessary to prove any intent of the accused other than such intent as may be inferred from the doing of the acts or things herein prohibited; but any honest mistake of fact, either as to section lines or otherwise, which could not have been avoided or discovered by due care and diligence, if established by satisfactory proof on the part of the accused, shall be a good defense. It shall be no defense, nor admissible in evidence, that the violation charged was committed by the accused for the purpose of procuring Christmas trees or for any other decorative purpose.

[1927 c. 10 s. 3] (10422-3)

621.39 CONSTRUCTION OF SECTIONS 621.36 TO 621.39. Sections 621.36 to 621.39 shall be deemed supplementary and in addition to, and shall in nowise detract from, modify, or repeal any existing statute or law, civil or criminal, which is or may be applicable to anything done in violation of sections 621.36 to 621.39. At the election of the prosecutor, any offender may be prosecuted under either or any of such statutes or laws, but not more than once for the same offense.

[1927 c. 10 s. 4] (10422-4)

621.40 INJURY TO STANDING CROPS. Every person who shall maliciously injure or destroy any standing crops, grain, cultivated fruits, or vegetables, the property of another, in any case for which punishment has not been otherwise prescribed by statute, shall be guilty of a misdemeanor.

[R. L. s. 5136] (10425)

621.41 BURNING GROWING CROPS, TREES, OR OTHER PROPERTY. Every person who shall wilfully burn or set fire to any grain, grass, growing crop, standing timber, or to any building, fixture, or appurtenance to real property of another, under circumstances not amounting to arson in any degree, shall be punished by imprisonment in a county jail for not more than one year.

[R. L. s. 5126] (10415)

621.42 SMOKING, WHERE PROHIBITED. Every person who shall light a pipe or cigar in, or shall enter with a lighted pipe or cigar, any mill or other building on which is posted in a conspicuous place, over or near each principal entrance, a notice, in plain, legible characters, stating that no smoking is allowed in such building, and every person who shall deface, destroy, or remove any such notice, shall be guilty of a misdemeanor and punished for each such offense by a fine of \$10.

[R. L. s. 5145] (10436)

621.43 OBSTRUCTING EXTINGUISHMENT OF FIRE. Every person who, within 24 hours prior to or during the burning of a building or other property, shall wilfully and maliciously cut or remove any bell rope or telegraph wire in the vicinity of such building or property, or otherwise prevent an alarm being given, or shall cut, injure, or destroy an engine, hose, or other fire apparatus in such vicinity, or shall otherwise wilfully and maliciously prevent or obstruct the extin-

guishing of any fire, shall be punished by imprisonment in the state prison for not more than seven years or in a county jail for not more than three years or by fine of not more than \$1,000.

[R. L. s. 5144] (10435)

621.44 ENDANGERING LIFE AND PROPERTY BY EXPLOSIVES. Every person who shall place gunpowder or any other explosive substance in, upon, under, against, or near to any building, car, vessel, or structure, with intent to destroy, throw down, or injure the whole or any part thereof, under such circumstances that, if the intent should be accomplished, human life or safety would thereby be endangered, although no damage be actually done, shall be guilty of a felony. Every person who shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy or damage any building or vessel, shall be punished as follows:

(1) If the life or safety of a human being is endangered, by imprisonment in the state prison for not more than ten years;

(2) In every other case, by imprisonment in the state prison for not more than five years.

[R. L. s. 5125] (10414)

621.45 FALSE SIGNALS FOR VESSEL OR RAILWAY TRAIN. Every person who, with intent to endanger a vessel, railway engine, or railway train, shall show, mask, extinguish, alter, or remove a light or signal, or exhibit any false light or signal, shall be punished by imprisonment in the state prison for not more than ten years.

[R. L. s. 5127] (10416)

621.46 INJURY TO UNITED STATES LIGHTS. Every person who shall wilfully break, injure, deface, or destroy any lighthouse station, post, platform, steps, lamps, or other structure pertaining to such lighthouse station, the same being the property of the United States, or shall extinguish any light erected by the United States upon or along the navigable waters of this state, to aid in the navigation thereof, in case no punishment is provided therefor by the laws of the United States, shall be punished as follows:

(1) When such act is done with intent to endanger the safety of any vessel navigating such waters, or to jeopardize the safety of any person or property in or upon any such vessel, by imprisonment in the state prison for not more than five years;

(2) In all other cases, by imprisonment in the county jail for not more than one year or by fine of not more than \$100 or by both.

[R. L. s. 5128] (10417)

45542 02.9 **621.47 BUOYS OR BEACONS; MOORING TO; INJURING.** Every person who shall moor any vessel, boat, skiff, barge, scow, raft, or part of a raft, to any buoy or beacon placed in the navigable waters of the state, or in any bay or river thereof, by authority of the United States, or shall in any manner hang on, with any vessel, boat, skiff, barge, scow, raft, or part of a raft, to any such buoy or beacon, or shall wilfully remove, damage, or destroy any such buoy or beacon, or shall cut down, remove, damage, or destroy any beacon erected on land in this state by the authority of the United States, shall for every such offense be punished by a fine of not less than \$100 nor more than \$200 or by imprisonment in the county jail for not less than one month nor more than six months or by both. One-half of all fines collected under this section and section 621.46 shall be paid to the informer and the other half into the common school fund of the county where conviction is had.

[R. L. s. 5129] (10418)

621.48 DRAINING MEANDERED LAKES; USE AS LOG RESERVOIRS. Every person who shall drain or cause to be drained, or shall attempt to drain in any manner, any lake, pond, or body of water which shall have been meandered and its metes and bounds established by the government of the United States in the survey of public lands, shall be guilty of a gross misdemeanor and punished by a fine of not less than \$25 nor more than \$5,000. This shall not prevent the reasonable use of such bodies of water as reservoirs for any milling or manufacturing establishment, for the purpose of driving logs, or supplying any city, village, or town with water, and none of the provisions of this section shall apply to any case where the county board shall drain such body of water under the provisions of law.

[R. L. s. 5146] (10437)

621.49 INTERFERING WITH DAM OR APPURTENANCES. Every person who shall wilfully or maliciously displace, remove, injure, or destroy any pier, boom, or dam lawfully erected or maintained upon, in, or across any water within the state, or any stream forming a boundary thereof, or shall hoist any gate in or about such dam, shall be guilty of a felony, and punished by imprisonment in the state prison for not less than one year nor more than ten years or by fine of not less than \$300 nor more than \$1,000.

[R. L. s. 5131] (10420)

621.50 OBSTRUCTING PUBLIC LEVEES. It shall be unlawful for any house-boat, or other craft not used for the transportation of freight or passengers, to moor to or lay at the public levee of any city, village, or town, on the navigable waters of this state, where it will interfere with, inconvenience, or endanger the landing of any freight, passenger, or towing vessel. Every owner or person in charge of any such boat or craft, upon notice by the police of any city, village, or town, or the owner or agent of any freight, passenger, or towing craft, that it is obstructing the levee, interfering with, inconveniencing, or endangering the landing of any freight, passenger, or towing vessel, shall immediately cause the same to be removed and, upon neglect or refusal so to do, shall be punished by imprisonment in the county jail for not more than 60 days or by a fine of not more than \$50.

[R. L. s. 5132] (10421)

621.51 INJURY TO HOUSE OF WORSHIP, SCHOOL HOUSE OR APPURTENANCES. Every person who shall wilfully and without authority break, deface, or otherwise injure any house of religious worship, or any part thereof, or any appurtenance thereto, any ornament, musical instrument, articles of silver or plated ware, or other chattels kept therein, for use in connection with religious worship, or who shall wilfully break, deface, or otherwise injure any schoolhouse or appurtenance, or other public building, or who shall wilfully break, deface, or injure any globe, map, or chart, or any other article kept and used in connection with such schoolhouse or other public building, shall be guilty of a gross misdemeanor and punished as follows:

(1) If the value of the property broken, defaced, or injured is thereby diminished by an amount less than \$100, by imprisonment for not more than 90 days or by fine of not more than \$100 or by both;

(2) If the value of such property shall be diminished more than \$100, by imprisonment for not less than six months nor more than two years.

In addition to the punishment herein prescribed, he shall be liable in treble damages for the injury done, to be recovered in a civil action by the owner of the property, or by the public officer having charge thereof.

[R. L. s. 5139] (10430)

621.52 INJURY TO WORKS OF ART, ETC. Every person who, not being the owner thereof, and without lawful authority, shall wilfully injure, disfigure, remove, or destroy a gravestone, monument, work of art, useful or ornamental improvement, shade tree or ornamental plant, whether upon private ground, or upon a road, street, sidewalk, cemetery, or public park or place; or who shall injure or remove from any grave in a cemetery any flowers, memorials, or other tokens of affection, or anything connected therewith; or who hitches any horse or other animal to any monument, gravestone, tree, or shrub on any cemetery grounds; or who shall wilfully mar or deface any building or signboard; or who shall extinguish a lamp, or break, destroy, or remove any lamp or lamp-post, or any railing or post erected on a bridge, sidewalk, road, street, court, or passage, shall be guilty of a misdemeanor.

[G. S. 1894 s. 6786; R. L. s. 5137; 1905 c. 90 s. 1] (10426, 10427)

621.53 INJURY TO ARTICLES IN MUSEUM OR LIBRARY. Every person who shall maliciously cut, tear, deface, soil, obliterate, break, or destroy a book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen, or other work of literature, or object of art or curiosity, deposited in a public library, gallery, museum, collection, fair, or exhibition, shall be punished by imprisonment in the state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than \$500, or by both.

[R. L. s. 5138] (10428)

621.54 PLACING OF NOXIOUS OR INFLAMMABLE SUBSTANCE FORBIDDEN; PENALTY. Every person who shall wilfully place or deposit or cause to be placed or deposited, or who aids or abets or who conspires to aid or abet in

MINNESOTA STATUTES 1957

4489

OFFENSES AGAINST PROPERTY BY FORCE 621.57

the placing or depositing in, upon, under, against, or near to any building, car, vessel, or structure any foul, offensive, or injurious substance or compound, or any gas, fluid, or substance injurious to life or property, or any noxious or offensive gas, fluid, or substance, with intent to wrongfully injure, molest, or coerce another, or to injure the property or person of another, or to molest another in the use, management, conduct, or control of his business or property, shall be guilty of a gross misdemeanor; and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by imprisonment in the county jail for not more than one year.

[1931 c. 86 s. 1] (10422-5)

621.55 OPENING SEALED LETTERS OR TELEGRAMS. Every person who shall wilfully and without authority open or read, or cause to be opened or read, a sealed letter or telegram, or shall publish the whole or any portion of such letter or telegram, knowing it to have been opened or read without authority, shall be guilty of a misdemeanor.

[R. L. s. 5135] (10424)

621.56 COERCION. Every person who, with intent to compel another to do or abstain from doing an act which such other person has a legal right to do, or abstain from doing, shall wrongfully and unlawfully:

- (1) Use violence or inflict injury upon such other person or his family, or a member thereof, or upon his property, or threaten such violence or injury;
 - (2) Deprive any such person of any tool, implement, or clothing, or hinder him in the use thereof; or
 - (3) Attempt to intimidate such person by threats or force—
- Shall be guilty of a misdemeanor.

[R. L. s. 5140] (10431)

621.57 WILFUL TRESPASS A MISDEMEANOR. Every person who has no right of possession and who refuses to depart from and surrender possession of property when ordered to do so by the owner thereof, and who thereafter wilfully continues to trespass upon such property, shall be guilty of a misdemeanor; provided, that this section shall not apply in any case where immediately prior thereto there existed between the owner and the person in possession the relationship of landlord and tenant, vendor and vendee, of mortgagor and mortgagee, or their respective successors or assigns.

[1939 c. 377] (10441-1)