

21079
65

GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

27

D

RECOVERY OF MONEY OR GOODS LOST BY GAMBLING.

1 SECT. 12. Whoever by playing at cards, dice or other
 2 game, or by betting on the hands or sides of such as are
 3 gambling, loses to any person so playing or betting any sum
 4 of money or any goods whatever, and pays or delivers the
 5 same or any part thereof to the winner, the person so losing
 6 and paying or delivering the same, may sue for and recover
 7 such money by a civil action, before any court having com-
 8 petent jurisdiction.

C. S. p. 727, Sect. 8.

c 95

1 SECT. 13. All notes, bills, bonds, mortgages or other
 2 securities or conveyances whatever, in which the whole or
 3 any part of the consideration shall be for any money or
 4 goods won by gambling or playing at cards, dice, or any oth-
 5 er game whatever, or by betting on the sides or hands of
 6 any person gambling, or for reimbursing or repaying any
 7 money knowingly lent or advanced at the time and place of
 8 such gambling or betting, or lent and advanced for any
 9 gambling or betting to any person so gambling or betting,
 10 shall be void, and of no effect, as between the parties to the
 11 same, and as to all persons except such as hold or claim un-
 12 der them in good faith, and without notice of the illegality
 13 of the consideration of such contract or conveyance.

C. S. p. 727, Sect. 10.
Amended.

CHAPTER C.

OFFENSES AGAINST CHASTITY, MORALITY AND
DECENCY.

1 SECTION 1. Whoever commits the crime of adultery,
 2 shall be punished by imprisonment in the state prison, not
 3 more than two years, or by fine not exceeding three hun-
 4 dred dollars, nor less than seventy dollars; and when the
 5 crime is committed between a married woman and a man
 6 who is unmarried, the man shall be deemed guilty of adul-
 7 tery, and be liable to the same punishment. But no prosecu-
 8 tion for adultery shall be commenced, except on the com-
 9 plaint of the husband or the wife, and no such prosecution
 10 shall be commenced after one year from the time of com-
 11 mitting the offense.

C. S. p. 728, Sect. 1.

c 96

1 SECT. 2. If any person who has a former husband or
 2 wife living marries another person, or continues to cohabit
 3 with such second husband or wife, he or she shall, except
 4 in the cases mentioned in the third section, be deemed guil-

C. S. p. 728, Sect. 2.

770 AGAINST CHASTITY, MORALITY, ETC. [CHAP. C.

5 ty of the crime of polygamy, and shall be punished by im-
6 prisonment in the state prison, not more than four years,
7 nor less than two years, or by fine not exceeding five hun-
8 dred dollars, nor less than three hundred dollars.

c 96

C. S. p. 728, Sect. 3.

1 SECT. 3. The provisions of the preceding section shall
2 extend to any person whose husband or wife has been con-
3 tinually remaining beyond sea, or has voluntarily withdrawn
4 from the other, and remained absent for the space of seven
5 years together, the party marrying again, not knowing the
6 other to be living within that time; nor to any person who
7 has been legally divorced from the bonds of matrimony, and
8 was not the guilty cause of such divorce.

C. S. p. 728, Sect. 4.

1 SECT. 4. If any man and woman, not being married to
2 each other, lewdly and lasciviously cohabit and associate
3 together, or if any man or woman, married or unmarried,
4 is guilty of open and gross lewdness or lascivious behavior,
5 every such person shall be punished, by fine not exceeding
6 three hundred dollars, or by imprisonment in a county jail
7 not exceeding three months.

C. S. p. 728, Sect. 5.

1 SECT. 5. If any man commits fornication with any sin-
2 gle woman, each of them shall be punished by imprison-
3 ment in the jail, not more than thirty days, or by fine not
4 exceeding thirty dollars.

C. S. p. 728, Sect. 6.
Amended.

1 SECT. 6. Any unmarried man who, under promise of
2 marriage, or any married man, who seduces and has illicit
3 connexion with any unmarried female of previous chaste
4 character, is guilty of a felony, and shall be punished by
5 imprisonment in the state prison, not exceeding five years,
6 or by imprisonment in a county jail, not exceeding one
7 year; but no conviction shall be had under the provisions
8 of this section, on the testimony of the female seduced, un-
9 supported by other evidence, nor unless indictment is found
10 within two years after the commission of the offense: *pro-*
11 *vided*, that the subsequent intermarriage of the parties may
12 be plead in bar of a conviction.

C. S. p. 728, Sect. 7.

1 SECT. 7. If any woman conceals the death of any issue
2 of her body, which, if born alive, would be a bastard, so
3 that it may not be known whether such issue was born alive
4 or not, or whether it was not murdered, she shall be pun-
5 ished by imprisonment in the state prison, not more than
6 one year nor less than six months, or by fine not exceeding
7 three hundred dollars, nor less than one hundred dollars.

C. S. p. 728, Sect. 8.

1 SECT. 8. Any woman indicted for the murder of her
2 infant bastard child, may also be charged in the same in-

3 dictment, with the offense described in the preceding sec-
 4 tion; and if on the trial, the jury acquit her of the charge of
 5 murder, and find her guilty of the other offense, judgment
 6 and sentence may be awarded against her for the same.

1 SECT. 9. Whoever keeps a house of ill fame, resorted
 2 to for the purpose of prostitution or lewdness, shall be pun- C. S. p. 729, Sect. 9. c 96
 3 ished by imprisonment in the state prison, not more than
 4 one year, nor less than six months, or by fine not exceeding
 5 three hundred dollars, nor less than one hundred dollars.

1 SECT. 10. Whenever the lessee of any dwelling house,
 2 is convicted of the offense mentioned in the preceding sec- C. S. p. 729, Sect. 10.
 3 tion, the lease or contract for letting such house, shall, at
 4 the option of the lessor, become void; and such lessor shall
 5 thereupon have the like remedy to recover the possession,
 6 as against a tenant for holding over after the expiration of
 7 his term.

1 SECT. 11. Whoever imports, prints, publishes, sells or
 2 distributes any book, or any pamphlet, ballad, printed pa- C. S. p. 729, Sect. 11.
 3 per, or other thing containing obscene language, or obscene
 4 prints, pictures, figures, or other descriptions manifestly
 5 tending to the corruption of the morals of youth, or intro-
 6 duces into any family, school, or place of education, or
 7 buys, procures, receives, or has in his possession any such
 8 book, pamphlet, ballad, printed paper, or other thing,
 9 either for the purpose of loan, sale, exhibition, or circula-
 10 tion, or with intent to introduce the same into any family,
 11 school, or place of education, shall be punished by impris-
 12 onment in the county jail, not more than six months, or by
 13 a fine not exceeding two hundred dollars.

1 SECT. 12. Persons within the degrees of consanguinity,
 2 within which marriages are prohibited, or declared by law C. S. p. 729, Sect. 12.
 3 to be incestuous and void, who intermarry with each other,
 4 or commit adultery or fornication with each other, shall be
 5 punished by imprisonment in the state prison, not more than
 6 two years, nor less than six months.

1 SECT. 13. Whoever commits sodomy, or the crime C. S. p. 729, Sect. 13.
 2 against nature, either with mankind or any beast, shall be
 3 punished by imprisonment in the state prison, not more
 4 than five years, nor less than one year.

1 SECT. 14. Whoever on the Lord's day, or at any other
 2 time, wilfully interrupts or disturbs any assembly of people, C. S. p. 730, Sect. 14.
 3 met for worship, within the place of such meeting or about
 4 it, shall be punished by fine not exceeding twenty dollars,
 5 nor less than five dollars, or by imprisonment in the county
 6 jail not exceeding thirty days.

c 96

C. S. p. 730, Sect. 15.

1 SECT. 15. Whoever not being lawfully authorized, wil-
 2 fully digs up, disinters, removes or conveys any human
 3 body, or the remains thereof, or knowingly aids in such dis-
 4 interment, removal or conveying away, every such offender
 5 and every accessory thereto, either before or after the fact,
 6 shall be punished by imprisonment in the state prison, not
 7 more than two years, nor less than six months, or by fine
 8 not exceeding two hundred dollars.

C. S. p. 730, Sect. 16.

1 SECT. 16. Whoever wilfully, or with evil intent destroys,
 2 mutilates, defaces or removes any tomb, monument, gravestone
 3 or other structure or thing placed or designed for a memorial
 4 of the dead, or any fence, railing, curb, or other thing in-
 5 tended for the protection, or for the ornament of any tomb,
 6 monument, gravestone or other structure before mentioned,
 7 or of any inclosure for the burial of the dead, or wilfully
 8 and with evil intent destroys, mutilates, removes, cuts,
 9 breaks or injures any tree, shrub or plant, placed or being
 10 within any such inclosure, the person so offending shall be
 11 punished by a fine not exceeding one thousand dollars, nor
 12 less than twenty-five dollars.

C. S. p. 730, Sect. 17.

1 SECT. 17. Whoever opens or makes any highway or
 2 town way, or constructs any railroad, turnpike or canal, or
 3 any other thing in the nature of a public easement, over,
 4 through, in or upon such part of any inclosure, being the
 5 property of a town, village, or religious society, or of pri-
 6 vate proprietors, as may be used for the burial of the dead,
 7 unless an authority for that purpose is granted by law, or
 8 unless the consent of such town, village or religious society
 9 or private proprietors respectively, is first obtained, shall
 10 be punished by fine not exceeding three hundred dollars.

C. S. p. 730, Sect. 18.

1 SECT. 18. Whoever cruelly beats or tortures any horse,
 2 ox, or other animal, whether belonging to himself or anothe-
 3 er, shall be punished by imprisonment in the county jail not
 4 more than thirty days, or by fine not exceeding fifty dollars,
 5 nor less than five dollars.

C. S. p. 730, Sect. 19.

1 SECT. 19. No person shall keep open his shop, ware
 2 house, or work house, or shall do any manner of labor,
 3 business or work, except only works of necessity and char-
 4 ity, or be present at any dancing, or any public diversion,
 5 show or entertainment, or take part in any sport, game or
 6 play on the Lord's day, commonly called Sunday; and eve-
 7 ry person so offending shall be punished by a fine not ex-
 8 ceeding two dollars for each offense.

C. S. p. 730, Sect. 20.

1 SECT. 20. For the purposes of the provisions of the
 2 nineteenth section, the Lord's day shall include the time be-

3 tween the midnight preceding, and the midnight following
4 the said day:

1 SECT. 21. No person shall serve or execute any civil pro- C. S. p. 730, Sect. 21. c96
2 cess from midnight preceding, to midnight following the
3 said Lord's day, but such service shall be void, and the
4 person serving or executing such process shall be liable in
5 damages to the party aggrieved, in like manner as if he had
6 not had any such process.

1 SECT. 22. Justices of the peace have jurisdiction of the C. S. p. 730, Sect. 22.
2 offenses mentioned in the fifth, fourteenth, eighteenth and
3 nineteenth sections of this chapter.

1 SECT. 23. No person shall keep any shop, tent, booth,
2 wagon, carriage, for the sale of, or shall sell, give or expose C. S. p. 731, Sect. 25.
3 to sale, any spirituous or intoxicating liquors, goods or mer-
4 chandize of any kind, within two miles of any public as-
5 sembly, camp, or grove meeting convened for the purpose
6 of religious worship; but this shall not be construed to
7 prevent any person from selling merchandize at the shop or
8 store where he usually transacts business, nor from selling
9 liquors in any place where he has received a license there-
10 for before the appointment of such religious meeting; nor
11 to prevent any pedlar from selling his goods to any
12 person at the usual place of business or residence of such
13 person.

1 SECT. 24. Whoever is guilty of a breach of the prece- C. S. p. 731, Sect. 28.
2 ding section, upon conviction thereof before any justice of
3 the peace, shall be fined not exceeding thirty dollars, or im-
4 prisoned in the county jail for any term not exceeding thir-
5 ty days, or may be sentenced to both said punishments.

1 SECT. 25. Whoever is guilty of noisy, rude or indecent
2 behavior, of exhibiting shows or plays, or promoting or en- C. S. p. 731, Sect. 27.
3 gaging in horse racing or gambling at or near any such re-
4 ligious meeting, so as to interrupt or disturb the same, or
5 at any religious meeting of the citizens of this state, mali-
6 ciously cuts or otherwise injures or destroys any harness,
7 or tents, or other property belonging to any tent holder or
8 other person, upon conviction thereof before any justice of
9 the peace, shall be fined not exceeding fifty dollars, or if the
10 offense is of an aggravated nature, he may be held to recog-
11 nize with sufficient sureties to appear at the district court
12 next to be holden in the same county, and upon conviction
13 before such court, he shall be fined in any sum not exceed-
14 ing one hundred dollars, or imprisoned in the county jail
15 not exceeding ninety days, or by both such fine and impris-
16 onment.

c96

C. S. p. 732, Sect. 33.

1 SECT. 26. No prosecution for any violation of the pro-
 2 visions of the last three sections shall be sustained unless
 3 commenced within sixty days after the commission of such
 4 offense.

 CHAPTER CI.

OFFENSES AGAINST THE PUBLIC HEALTH.

c97

C. S. p. 732, Sect. 1.

1 SECTION 1. Whoever knowingly sells any kind of dis-
 2 eased, corrupted or unwholesome provisions whether for
 3 meat or drink, without making the same fully known to the
 4 buyer, shall be punished by imprisonment in the county jail
 5 not more than six months, or by fine not exceeding five
 6 hundred dollars.

C. S. p. 732, Sect. 2
Amended.

1 SECT. 2. Whoever fraudulently adulterates for the pur-
 2 pose of sale, any substance intended for food, or any wine,
 3 spirits, malt liquor or other liquor intended for drinking,
 4 with any substance injurious to health, shall be punished by
 5 imprisonment in the county jail not more than one year, or
 6 by fine not exceeding two hundred dollars.

C. S. p. 732, Sect. 3.

1 SECT. 3. Whoever fraudulently adulterates for the pur-
 2 pose of sale, any drug or medicine, or sells any drug or
 3 medicine knowing it to be adulterated, or offers the same
 4 for sale, shall be punished by imprisonment in the county
 5 jail not more than one year, or by fine not exceeding three
 6 hundred dollars, and such altered drugs and medicines shall
 7 be forfeited and destroyed by order of the court.

C. S. p. 732, Sect. 4.

1 SECT. 4. Whoever inoculates himself or any other per-
 2 son, or suffers himself to be inoculated with the small pox
 3 within this state, with intent to cause the prevalence or
 4 spread of this infectious disease, shall be punished by im-
 5 prisonment in the state prison not more than three years
 6 nor less than one year.

C. S. p. 733, Sect. 5.

1 SECT. 5. If any physician or other person, while in a
 2 state of intoxication prescribes any poison, drug or medi-
 3 cine to another person, he shall be punished by imprison-
 4 ment in the county jail not more than one year, or by fine
 5 not exceeding five hundred dollars.

C. S. p. 733, Sect. 6.

1 SECT. 6. Every apothecary, druggist or other person
 2 who sells and delivers any arsenic, corrosive sublimate,