

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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1872.

or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any person so gambling or betting, shall be void, and of no effect, as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, and without notice of the illegality of the consideration of such contract or conveyance.

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Adultery, how
punished.
4 Min. 335.

SECTION 1. Whoever commits the crime of adultery, shall be punished by imprisonment in the state prison, not more than two years, or by fine not exceeding three hundred dollars, nor less than seventy dollars; and when the crime is committed between a married woman and a man who is unmarried, the man shall be deemed guilty of adultery, and be liable to the same punishment. But no prosecution for adultery shall be commenced, except on the complaint of the husband or the wife, and no such prosecution shall be commenced after one year from the time of committing the offense.

Polygamy, how
punished.

SEC. 2. If any person who has a former husband or wife living marries another person, or continues to cohabit with such second husband or wife, he or she shall, except in the cases mentioned in the third section, be deemed guilty of the crime of polygamy, and shall be punished by imprisonment in the state prison, not more than four years, nor less than two years, or by fine not exceeding five hundred dollars, nor less than three hundred dollars.

SEC. 3. The provisions of the preceding section shall not extend to any person whose husband or wife has been continually remaining beyond the sea, or has voluntarily withdrawn from the other, and remained absent for the space of seven years together, the party marrying again, not knowing the other to be living within that time; nor to any person who has been legally divorced from the bonds of matrimony, and was not the guilty cause of such divorce. Excepted cases.

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

SEC. 5. If any man commits fornication with any single woman, each of them shall be punished by imprisonment in the jail, not more than thirty days, or by fine not exceeding thirty dollars. Fornication, how punished.

SEC. 6. Any unmarried man who, under promise of marriage, or any married man, who seduces and has illicit connexion with any unmarried female of previous chaste character, is guilty of a felony, and shall be punished by imprisonment in the state prison, not exceeding five years, or by imprisonment in a county jail, not exceeding one year; but no conviction shall be had under the provisions of this section, on the testimony of the female seduced, unsupported by other evidence, nor unless indictment is found within two years after the commission of the offense: *provided*, that the subsequent intermarriage of the parties may be plead in bar of a conviction. Seduction, how punished.
4 Min. 325.
4 Min. 335.

SEC. 7. If any woman conceals the death of any issue of her body, which, if born alive, would be a bastard, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, she shall be punished by imprisonment in the state prison, not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars. Mother concealing death of bastard, how punished.

SEC. 8. Any woman indicted for the murder of her infant bastard child, may also be charged in the same indictment, with the offense described in the preceding section; and if on the trial, the jury acquit her of the charge of murder, and find her guilty of the other offense, judgment and sentence may be awarded against her for the same. Offense may be inserted in indictment for murder.

SEC. 9. Whoever keeps a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment in the state prison, not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars. Keeping house of ill fame, how punished.

SEC. 10. Whenever the lessee of any dwelling house, is convicted of the offense mentioned in the preceding section, the lease or contract for letting such house, shall, at the option of the lessor, become void; and such lessor shall thereupon have the like remedy to recover the possession, as against a tenant for holding over after the expiration of his term. Lease of such house void, when.

SEC. 11. Whoever imports, prints, publishes, sells or distributes, any book, or any pamphlet, ballad, printed paper, or other thing containing obscene language, or obscene prints, pictures, figures, or other descriptions manifestly tending to the corruption of the morals of youth, or introduces into any family, school, or place of education, or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, shall be punished by imprisonment in the county jail, not more than six months, or by a fine not exceeding two hundred dollars. Printing or selling obscene books, how punished.

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Incest, how punished.

SEC. 12. Persons within the degrees of consanguinity, within which marriages are prohibited, or declared by law to be incestuous and void, who intermarry with each other; or commit adultery or fornication with each other, shall be punished by imprisonment in the state prison, not more than two years, nor less than six months.

Sodomy, how punished.

SEC. 13. Whoever commits sodomy, or the crime against nature, either with mankind or any beast, shall be punished by imprisonment in the state prison, not more than five years, nor less than one year.

Disturbing public worship, how punished.

SEC. 14. Whoever, on the Lord's day, or at any other time, willfully interrupts or disturbs any assembly of the people, met for worship, within the place of such meeting or about it, shall be punished by fine not exceeding twenty dollars, nor less than five dollars, or by imprisonment in the county jail not exceeding thirty days.

Violation of sepulture, how punished.

SEC. 15. Whoever not being lawfully authorized, willfully digs up, disinters, removes or conveys any human body, or the remains thereof, or knowingly aids in such disinterment, removal or conveying away, every such offender and every accessory thereto, either before or after the fact, shall be punished by imprisonment in the state prison, not more than two years, nor less than six months, or by fine not exceeding two hundred dollars.

Removing or defacing tomb, &c., how punished.

SEC. 16. Whoever willfully, or with evil intent, destroys, mutilates, defaces or removes any tomb, monument, gravestone or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection, or for the ornament of any tomb, monument, gravestone or other structure before mentioned, or of any inclosure for the burial of the dead, or willfully or with evil intent destroys, mutilates, removes, cuts, breaks or injures any tree, shrub or plant, placed or being within any such inclosure, the person so offending shall be punished by a fine not exceeding one thousand dollars, nor less than twenty-five dollars.

Opening roads through burial grounds, how punished.

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

Cruelty to animals, how punished.

SEC. 18. Whoever cruelly beats or tortures any horse, ox, or other animal, whether belonging to himself or another, shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding fifty dollars, nor less than five dollars.

Laboring on Sunday, how punished.
8 Min. 13.
9 Min. 194.

SEC. 19. No person shall keep open his shop, warehouse, or workhouse, or shall do any manner of labor, business or work, except only works of necessity and charity, or be present at any dancing, or any public diversion, show or entertainment, or take part in any sport, game or play on the Lord's day, commonly called Sunday; and every person so offending shall be punished by a fine not exceeding two dollars for each offense.

Sunday shall include what time.

SEC. 20. For the purposes of the provisions of the nineteenth section, the Lord's day shall include the time between the midnight preceding, and the midnight following the said day.

Service of civil process on Sunday, void.

SEC. 21. No person shall serve or execute any civil process from midnight preceding to midnight following said Lord's day, but such service shall be void, and the person serving or executing such process shall

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be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

SEC. 22. Justices of the peace have jurisdiction of the offenses mentioned in the fifth, fourteenth, eighteenth and nineteenth sections of this chapter. Jurisdiction of justices.

SEC. 23. No person shall keep any shop, tent, booth, wagon, carriage, for the sale of, or shall sell, give, or expose to sale, any spirituous or intoxicating liquors, goods or merchandise of any kind, within two miles of any public assembly, camp, or grove meeting, convened for the purpose of religious worship; but this shall not be construed to prevent any person from selling merchandise at the shop or store where he usually transacts business, nor from selling liquors in any place where he has received a license therefor, before the appointment of such religious meeting; nor to prevent any peddler from selling his goods to any person at the usual place of business or residence of such person. Selling liquor, goods, &c., within two miles of camp meeting, &c., prohibited.

SEC. 24. Whoever is guilty of a breach of the preceding section, upon conviction thereof before any justice of the peace, shall be fined not exceeding thirty dollars, or imprisoned in the county jail for any term not exceeding thirty days, or may be sentenced to both said punishments. Violation of preceding section, how punished.

SEC. 25. Whoever is guilty of noisy, rude or indecent behavior, of exhibiting shows or plays, or promoting or engaging in horse racing or gambling, at or near any such religious meeting, so as to interrupt or disturb the same, or at any religious meeting of the citizens of this state, maliciously cuts or otherwise injures or destroys any harness, or tents, or other property belonging to any tent holder or other person, upon conviction thereof before any justice of the peace, shall be fined not exceeding fifty dollars, or if the offense is of an aggravated nature, he may be held to recognize with sufficient sureties to appear at the district court next to be holden in the same county, and upon conviction before such court, he shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding ninety days, or by both such fine and imprisonment. Exhibiting shows &c., near religious meetings, how punished.

SEC. 26. No prosecution for any violation of the provisions of the last three sections shall be sustained unless commenced within sixty days after the commission of such offense. Prosecution for violation of last section, commenced, when.

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