

THE
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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REPORTER SYSTEM

COMPLETE IN TWO VOLUMES

VOL. 2

CONTAINING

Sections 4822 to 8054 of the General Statutes, and the General Index

ST. PAUL, MINN.
WEST PUBLISHING CO.

1894

CHAPTER 100.

OFFENSES AGAINST CHASTITY, MORALITY, AND DECENCY.

1. Enacted Before the Penal Code, §§ 6967-6972.
2. Enacted Since the Penal Code, §§ 6973-6975.

By Penal Code, § 541 (ante, § 6851), cc. 93 to 101 (both inclusive), G. S. 1878, "and all acts and parts of acts which are inconsistent with the provisions of this act, are repealed, so far as they define any crime, or impose any punishment for crime, except as herein provided." But, by § 540 (ante, § 6850), "all statutes defining and providing for the punishment of offenses not defined and made punishable by this Code * * * are recognized as continuing in force notwithstanding the provisions of this Code, except so far as they have been repealed by subsequent laws." By § 542 (ante, § 6852), the Penal Code, when construed in connection with other statutes, "must be deemed to have been enacted on the sixth day of January, 1885, so that any statute enacted after that day is to have the same effect as if it had been enacted after this Code."

[TITLE 1.]

[ENACTED BEFORE THE PENAL CODE.]

§ 6967. Opening roads through cemeteries—Penalty.

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.

(G. S. 1866, c. 100, § 17; G. S. 1878, c. 100, § 18.)

§ 6968. Trading within two miles of camp meeting prohibited—Exception.

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.

(G. S. 1866, c. 100, § 23; G. S. 1878, c. 100, § 24.)

Under an ordinance which forbids selling, dealing in, or disposing of liquor without a license, the giving away of liquor is indictable. *State v. Deusting*, 33 Minn. 102, 22 N. W. Rep. 442.

§ 6969. Violation of preceding section, how punished.

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.

(G. S. 1866, c. 100, § 24; G. S. 1878, c. 100, § 25.)

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§§ 6970-6973 OFFENSES AGAINST CHASTITY, MORALITY, ETC. [Ch. 100

§ 6970. Misconduct, etc., near religious meetings—Penalty.

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 offence 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 imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment.

(G. S. 1866, c. 100, § 25; G. S. 1878, c. 100, § 26.)

§ 6971. Limitation of prosecution under last three sections.

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 offence.

(G. S. 1866, c. 100, § 26; G. S. 1878, c. 100, § 27.)

§ 6972. Obscene language—Penalty.

Whoever, being over fourteen years of age, willfully [makes any indecent exposure of his or her person in any public place, or in any place where there are other persons to be offended or annoyed thereby, or] utters or uses any obscene or licentious language or words in the presence or hearing of any female, shall be fined not more than one hundred dollars, nor less than five dollars, or by imprisonment in the county jail not exceeding thirty days, or less than ten days.

(1881, c. 33, § 1; G. S. 1878, v. 2, c. 100, § 28.)

That part of the section within brackets, being an offense defined and made punishable by § 275 of the Penal Code (§ 6563, ante), appears to be repealed, without repealing the remainder of the section. See § 6851.

[TITLE 2.]

[ENACTED SINCE THE PENAL CODE.]

See § 6552.

§ 6973. Obscene literature—Sale, etc.,—Penalty.

First. A person who sells, lends, gives away, or offers to give away, or shows or has in his possession, with intent to sell or give away, or to show or advertise, or otherwise offer for loan, gift, sale, or distribution, an obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, or photograph, or any article or instrument of indecent or immoral character, or who designs, copies, draws, photographs, prints, utters, publishes, or prepares such a book, picture, drawing, paper, or other article, or writes or prints, or causes to be written or printed, a circular, advertisement, or notice of any kind, or gives information, orally stating when, where, how, or of whom or by what plans such indecent or obscene article or thing can be purchased or obtained; or,

Second. Sells, lends, gives away, or shows, or has in his possession, with intent to sell or give away or to show or advertise, or otherwise offers for loan, gift, or distribution any book, pamphlet, magazine, newspaper, or other printed paper, devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust, or crime; or,

Third. Exhibits upon any street or highway, or in any other place, within the view, or which may be within the view, of any minor child, any book,

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magazine, pamphlet, newspaper, writing, paper, picture, drawing, photograph, or other article or articles coming within the description of articles mentioned in the first and second subdivisions to this section, or any of them, or exhibits or circulates or posts, or causes to be exhibited or circulated or posted, in any conspicuous place, any picture, hand-bill, or poster containing obscene, indecent, or immoral representations; or,

Fourth. In any manner hires, uses, or employs any minor child to sell or give away, or in any manner to distribute, or who, having the care, custody, or control of any minor child, permits such child to sell, give away, or in any other manner to distribute, any book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, or other article or matter coming within the description of articles and matter mentioned in the first and second subdivisions of this section, or any of them,—is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than three months, or by a fine not less than twenty-five dollars or more than one hundred dollars, or by both imprisonment and fine, one-half of said fine to be paid to the informer.

(1885, c. 268, § 1,¹ as amended 1887, c. 56; G. S. 1878, v. 2, c. 100, § 12a.)

See §§ 6571-6574, 6852.

§ 6974. Same—Search warrant—Destruction of property.

All municipal courts and justices of the peace, on complaint, supported by oath or affirmation, that any person has in his possession or control any obscene and indecent books, papers, articles, and things described in this act, shall issue a warrant directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal, or police officer within said county, directing him, them, or any of them, to search for, seize, and take possession of such obscene and indecent books, papers, articles, and things; and said court and justice of the peace shall, upon the conviction of the person or persons offending, under the law any of the provisions of this act, forthwith, in the presence of the person or persons upon whose complaint the said seizure or arrest is made, if he or they shall, after notice thereof, elect to be present, destroy, or cause to be destroyed, the aforesaid books, papers, articles, and things, and shall cause to be entered upon the records of his court the fact of such destruction.

(1885, c. 268, § 2; G. S. 1878, v. 2, c. 100, § 12b.)

§ 6975. Same—Jurisdiction.

Justices of the peace and municipal courts shall have jurisdiction of the offenses mentioned in this act.

(1885, c. 268, § 3; G. S. 1878, v. 2, c. 100, § 12c.)

¹An act to prevent the sale or otherwise disposing of obscene, immoral, and indecent books, pamphlets, papers, pictures, and other objectionable wares. Approved March 5, 1885.