

89022

GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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1918

MINNESOTA STATUTES 1917 SUPPLEMENT

CHAPTER 101

CRIMES AGAINST PROPERTY

8817. Officer interested in contract—

Accountability to city for secret profits in sale of land to city (122-301, 142+812, 48 L. R. A. [N. S.] 842, Ann. Cas. 1914D, 804). Municipal Corporations, Ⓒ255.

ARSON

8821. First degree—

The corpus delicti in arson requires proof, not alone of the fact that the building burned, but that the fire originated through criminal agency. In this case, held, that the evidence is insufficient to prove such corpus delicti (128-163, 150+787). Arson, Ⓒ37(1).

8822. Second degree—

Circumstantial evidence may be sufficient to convict and to establish the corpus delicti (132-225, 156+280). Arson, Ⓒ37(1).

Evidence held insufficient to support a conviction of burning a barn (130-347, 153+845). Arson, Ⓒ37(1).

8823. Third degree—

Evidence held to sustain a conviction of arson in the third degree (124-58, 144+410). Arson, Ⓒ37.

A charge as to the prerequisites necessary to justify a conviction upon circumstantial evidence held sufficiently favorable to defendant (124-58, 144+410). Criminal Law, Ⓒ782(9).

FORGERY

8834. First degree—
129-402, 152+769.

LARCENY

8870. What constitutes—

In a prosecution for grand larceny, based on the stealing of a pocketbook, evidence held sufficient to sustain a finding that defendant committed the larceny (162+893). Larceny, [§ 55](#).

In a prosecution for grand larceny, evidence held to sustain a finding that a pocketbook had been stolen (162+893). Larceny, [§ 56](#).

8874. Grand larceny in first degree—How punished—

Variance between indictment and proof, as to character of money stolen held not fatal (128-481, 151+186). Larceny, [§ 40\(8\)](#).

Evidence held to sustain a conviction (128-481, 151+186). Larceny, [§ 55](#).

EXTORTION OR OPPRESSION

8894. Written and verbal threats—

An attempt consists of some specific intentional overt act tending directly, in the natural course of events, to the commission of the crime; and the mere act of soliciting another to commit the crime, or preparation therefor, is not, in the absence of some overt act looking to its actual commission, sufficient to justify conviction. The evidence in this case held insufficient to show an overt act (131-65, 154+737). Criminal Law, [§ 44](#), [45](#).

FALSE PERSONATION, ETC.

8901. False statements to obtain credit—

This act is not invalid because its title is broader and more comprehensive than the subject-matter of the act (135-89, 160+204). Statutes, [§ 118\(2\)](#).

This act does not contravene Const. art. 4 § 33, as being class legislation, nor the fourteenth amendment of the federal constitution, though the act is aimed at those only who make or use false statements to obtain credit from banks, savings banks, and trust companies (135-89, 160+204). Constitutional Law, [§ 205\(1\)](#), [208\(1\)](#); Statutes, [§ 76\(1\)](#).

8903. False statements in advertising—Any person, firm, corporation or association, who, with intent to sell or in any wise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public, for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, label, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor. ('13 c. 51, amended '15 c. 309 § 1)

1915 c. 309 is entitled "An act to amend Chapter 51, General Laws of 1913," etc., although it does not expressly amend the same.

[8903—]1. Same—Dairy and food commission to enforce—Duty of county attorney—The duty of a strict observance and enforcement of this law and prosecution for any violation thereof is hereby expressly imposed upon the Dairy and Food Commission of the State of Minnesota, and it shall be the duty of the county attorney of any county wherein a violation of this act shall have occurred, upon complaint being made to him, to prosecute any person violating any of the provisions of this act. ('15 c. 309 § 2)

8907. Selling or concealing mortgaged property—"Chattel mortgage" defined—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 re-

removal or concealment, or, at any time before the debt 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 fine of not more than five hundred dollars.

Chattel mortgage within the meaning of this act 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 act 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. (Amended '17 c. 90 § 1)

FALSE WEIGHTS AND MEASURES

8913. Using false weights and measures—

124-307, 144+962.

Under an ordinance declaring that one knowingly selling commodities at short weight shall be fined, knowledge is an essential element of the offense, and where complaint did not charge that sale was by short weight to defendant's knowledge, and no evidence thereof was offered no violation was shown (162+451). Weights and Measures, ↻12.

MALICIOUS MISCHIEF—INJURIES TO PROPERTY

8932. Interfering with dam, etc.—

One who destroys a boom materially obstructing a navigable river is not liable to prosecution under this section (130-229, 153+532, Ann. Cas. 1916C, 267). Malicious Mischief, ↻1.

8934. Injury of property—

An indictment was not bad because it failed to charge that defendant acted "maliciously" (127-510, 150+209). Malicious Mischief, ↻4.

Evidence held to support a conviction (127-510, 150+209). Malicious Mischief, ↻9.

8951. Trespass on railway track—

Cited (131-281, 154+1088).