

REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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its owner or proprietor, permits, aids or takes part in such a performance or representation, or any person, company or corporation who sells a copy or a substantial copy, of any unpublished, undedicated or copyrighted dramatic composition or musical composition known as an opera, without the written consent of the author or proprietor of such dramatic or musical composition, shall be guilty of a misdemeanor. ('05 c. 40 § 1)

Historical.—"An act forbidding any person or company from producing or playing for profit any unpublished or undedicated dramatic or musical composition, and prohibiting any person, company or corporation from selling a copy or substantial copy of any unpublished, undedicated or copyrighted opera or musical composition without the consent of the author or proprietor, and providing for a penalty therefor." Approved March 15, 1907.

5143. Fraudulent appropriation of electricity.—Every person who shall wilfully make any connection with any meter, pipe, conduit, wire, line, or other apparatus belonging to any person or company using, or engaged in the manufacture, supply, sale or distribution of, electricity or of electric current, for the purpose of taking, using, or wasting such electricity or electric current, or shall wilfully prevent an electric meter from duly measuring or registering the quantity of electricity supplied, or shall in any way interfere with its proper action or just registration, or shall without the consent of such person or company, wilfully divert any electrical current or power of such person or company or in any way wilfully use or cause to be used without the consent of such person or company any electricity manufactured or distributed by such person or company, or shall aid, agree with, employ, or conspire with any other person to do any of said acts, or who shall deposit in any electric meter or other apparatus used by an electric light or telephone company for the pre-payment 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 misdemeanor. (R. L. § 5143, as amended by Laws 1907, c. 166, § 1.)

5146. Draining meandered lakes, etc.

Cited in *Minnesota Canal & Power Co. v. Pratt*, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

CHAPTER 102.

CRUELTY TO ANIMALS.

5157. Poisoning animals.

See section [5157—]1.

[5157—]1. **Same.**—Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits the same to be done, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by any animal, whether such animal be the property of himself or another, is punishable by imprisonment in the state prison not exceeding two years or in a county jail not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. (Pen. Code, § 496, as amended by Laws 1889, c. 209, § 51, and Laws 1905, c. 53, § 1.)

Historical.—"An act to amend section 496 of the penal code as amended by section 5, chapter 209 of the General Laws of 1889, the same being section 6796 of the Statutes of Minnesota for the year 1894, relating to wantonly poisoning animals." Approved March 21, 1905.

Laws 1889, c. 209, was repealed by R. L. § 5538. The provisions of said amended section 496 were incorporated in R. L. § 5157. As to the construction of Laws 1905, c. 53, see note under section [4799—]1.

By section 2 it is provided that the act "shall take effect and be in force

from and after its passage; provided, that the provision of this act shall not apply to offenses committed before this act takes effect, and as to all such offenses the law in force at the time they were committed shall continue and remain in force the same as if this act had not been passed."

5160. Exposure of animals—Duty of officers.—Any sheriff, constable, village marshal, police officer or any agent of the Minnesota or other societies for the prevention of cruelty, may remove, shelter, and care for any horse or other animal found exposed to the weather and not properly blanketed, or remaining more than one hour without attention in cold or inclement weather, or not properly fed and watered, or provided with suitable food and drink, and when necessary, may deliver such animal to another person to be so sheltered and cared for, and furnished with suitable food and drink; but in all cases the owner, if known, shall be immediately notified, and such officer, or the person having possession of the animal, shall have a lien thereon for its care and keeping and the reasonable value of the food and drink furnished and the expenses of such notice. If the owner or custodian be unknown, and cannot by reasonable effort be ascertained, or shall not, within five days after notice redeem such animal by paying the expenses incurred as aforesaid, it may be treated as an estray, and be dealt with as such. (R. L. § 5160, as amended by Laws 1907, c. 398, § 1.)

CHAPTER 103.

MISCELLANEOUS CRIMES.

5161. Drunkenness—Successive offenses—Suspension of sentence.—Every person who becomes intoxicated by voluntarily drinking intoxicating liquors shall be guilty of the crime of drunkenness, and punished as follows: For a first offense, by imprisonment in the county jail for not more than forty days, or by a fine of not more than forty dollars; for the second offense, by imprisonment for not more than sixty days or by a fine of not more than sixty dollars; for the third and all subsequent offenses, by imprisonment for not less than sixty days nor more than three months; provided, that the court may in its discretion, after conviction, for the first or second offense suspend sentence during the good behavior of the accused, but if he shall again transgress within a period of six months thereafter, he shall again be brought before the court and shall be punished by a term of imprisonment as provided for in this section. (R. L. § 5161, as amended by Laws 1907, c. 208, § 1.)

5163. Adulterated cigarettes.

See sections [5163—] 1, [5163—] 2.

[5163—]1. Same.—Any person within the state who manufactures, sells or gives to any one, or uses any cigarette containing any substance foreign to tobacco, shall be punished by a fine of not more than fifty dollars or imprisonment in a county jail for not more than thirty days. ('07 c. 386 § 1)

For other sections of this act see sections [4938—] 1 to [4938—] 4.

[5163—]2. Manufacture, sale, etc., of cigarettes, cigarette paper, etc., prohibited.—That it shall be unlawful for any person by himself, clerk, servant, employee, or agent, directly or indirectly upon any pretense or by any device to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco for smoking and any person violating the provisions of this act shall be guilty of a