

# GENERAL STATUTES

OF

# MINNESOTA

1913

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prisonment in the state prison not more than seven years, or in a county jail for not more than three years, or by fine of not more than one thousand dollars. (5144)

**8948. Smoking where prohibited**—Every person who shall light a pipe or cigar in, or shall enter with a lighted pipe or cigar, any mill or other building on which is posted in a conspicuous place, over or near each principal entrance, a notice, in plain, legible characters, stating that no smoking is allowed in such building, and every person who shall deface, destroy, or remove any such notice, shall be guilty of a misdemeanor, and punished for each such offence by a fine of ten dollars. (5145)

**8949. Draining meandered lakes, etc.**—Every person who shall drain or cause to be drained, or shall attempt to drain in any manner any lake, pond, or body of water which shall have been meandered and its metes and bounds established by the government of the United States in the survey of public lands, shall be guilty of a gross misdemeanor, and punished by a fine of not less than twenty-five dollars nor more than five thousand dollars. But this shall not prevent the reasonable use of such bodies of water as reservoirs for any milling or manufacturing establishment, for the purpose of driving logs, or supplying any city, village, or town with water, and none of the provisions of this section shall apply to any case where the county board shall drain such body of water under the provisions of law. (5146)

77-231, 241, 79+964, 1026, 1064, 45 L. R. A. 218. Cited (101-197, 112+395, 11 L. R. A. [N. S.] 105).

**8950. Interfering with railway gates, etc.**—Every person who, without lawful authority, shall break down or carry away any part of any fence, bars, or gate at a crossing over any railway track, or plank used for such crossing, or shall destroy or injure any hedge, ditch, or other structure used or intended as a fence to inclose any railway tracks; every person using any gate or bars, or opening the same for any purpose, at any railway crossing, who shall permit any animal to stray upon a railway track or inclosed right of way, or who shall leave such bars down, or gate open, so that animals may stray upon such railway track; and every person who shall lead, drive, or turn upon such track any animal for grazing or other purposes—shall be guilty of a misdemeanor, and punished for each such offence by imprisonment in the county jail for not more than thirty days, or by a fine of not less than ten dollars nor more than fifty dollars. (5147)

**8951. Trespass on railway track**—Every person, not an employee of a railway company, who, without permission from such company, on foot or with any animal or vehicle, shall enter upon any railway bridge or trestle, or who, without a permit, shall ride, operate, or propel a velocipede, track bicycle, or tricycle on or along the track of any railway, shall be guilty of a misdemeanor. (5148)

**8952. Injury to buildings**—Every person who shall in any manner wilfully damage any building or part thereof, throw any stone or other missile at or break any window therein, or who shall aid, counsel, hire, or procure any person so to do, shall be guilty of a misdemeanor. (5149)

**8953. Injury to baggage**—Every person employed by a railway or other corporation, every express agent, stage driver, drayman, hackman, or other person who shall handle, remove, or take care of trunks, valises, boxes, packages, or other baggage, who, while handling, loading, transporting, unloading, delivering, or storing the same, shall wilfully, wantonly, or carelessly break, injure, or destroy the same, or any part thereof, shall be guilty of a misdemeanor. (5150)

## CHAPTER 102

### CRUELTY TO ANIMALS

**8954. Definitions**—The word "animal" shall include every living creature except the human race; the word "torture" or "cruelty," every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death shall

be caused or permitted. The term "impure and unwholesome milk" shall include all milk obtained from animals in a diseased or unhealthy condition, or fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or fermentation. (5151)

**8955. Overworking animals, etc.**—Every person who shall—

1. Overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work the same when unfit for labor, whether belonging to himself or another;

2. Deprive of necessary food, water, or shelter any animal of which he has charge or control;

3. Keep cows or other animals in any inclosure without wholesome exercise and change of air;

4. Feed cows on food which produces impure or unwholesome milk;

5. Abandon any maimed, sick, infirm, or disabled animal to die in any public place;

6. Allow any such animal to lie in the street, road, or other public place for more than three hours after notice; or

7. Wilfully set on foot, instigate, or in any way further any act of cruelty to animals, or any act tending to produce such cruelty—

Shall be guilty of a misdemeanor. (5152)

22-271.

**8956. Cruelty in transportation**—Every person who shall carry, or cause to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which such animals can both stand and lie down during transportation and while awaiting slaughter; every person who shall carry or cause to be carried upon a vehicle or otherwise any live animal having feet or legs tied together, or in any other cruel or inhuman manner; and every person or corporation engaged in transporting live stock who shall detain the same in cars or compartments for more than twenty-four hours without food, water, and attendance, or shall permit the same to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other—shall be guilty of a misdemeanor. (5153)

**8957. Docking horses**—Every person who shall cut the bony part of a horse's tail for the purpose of docking it, or cause or knowingly permit the same to be done upon premises of which he is owner, lessee, or user, or who shall assist in such cutting, shall be punished by imprisonment in the county jail for not less than thirty nor more than ninety days, or by a fine of not less than twenty-five dollars nor more than one hundred dollars. Whenever a horse shall be found so cut, and the wound resulting unhealed, upon the premises or in the custody of any person, such fact shall constitute prima facie evidence that the offence was committed by him. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals, for any offence specified in this section, shall be paid to the society whose officer or agent made the complaint. (5154)

**8958. Clipped horses, etc.**—Every person having the custody of any animal which shall have had its hair removed by clipping or shearing, who, within sixty days after such clipping or shearing, and between November 1 and May 1, shall cause or permit such animal to stand on a road, street, or other unsheltered place, without being blanketed, shall be guilty of a misdemeanor. (5155)

**8959. Injury to birds**—Every person who shall in any manner wantonly maim, kill, or destroy any brown thrush, bluebird, martin, swallow, wren, catbird, robin, peewee, meadow lark, or other insect-devouring bird of any kind or name whatsoever, or who shall wantonly destroy the nests or eggs of any such bird, shall be guilty of a misdemeanor, and punished by a fine of not less than one dollar nor more than fifteen dollars. (5156)

**8960. Poisoning animals**—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, amended '89 c. 209 § 51; '05 c. 53 § 1).

**Historical.**—1889 c. 209 was repealed by § 9448. The provisions of said section 496, amended 1905 c. 53, were incorporated in R. L. § 5157, which is superseded by this section. See § 9398.

**8961. Cock-fights—Dog-fights, etc.**—Every person who shall engage in, be employed at, aid, or abet cock-fighting, dog-fighting, bear-baiting, pitting one animal against another of the same or a different kind, or any other similar cruelty to animals; or who shall receive money for the admission of any person to any place used, or about to be used, for any such purpose, or shall wilfully permit any one to enter or use for any such purpose premises of which he is the owner, agent, or occupant; and every person who shall use, train, or possess a dog or other animal for the purpose of seizing, detaining, or mistreating any domestic animal—shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by fine of not less than five dollars nor more than one hundred dollars. Every person who shall knowingly purchase a ticket of admission to any such place, be present at or witness such spectacle, shall be deemed an aider and abettor (5158)

**8962. Animal with infectious disease.**—Every owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, or to have recently been exposed thereto, who shall sell or barter the same, or knowingly permit such animal to run at large or come into contact with any other animal, or with another person without his knowledge and permission, shall be punished by imprisonment in the county jail for not more than thirty days, or by fine of not less than twenty dollars nor more than one hundred dollars. (5159)

70-282, 286, 73+163, 68 Am. St. Rep. 527.

**8963. 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, amended '07 c. 398 § 1)

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## CHAPTER 103

### MISCELLANEOUS CRIMES

**8964. 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