

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

ST. PAUL:
WEST PUBLISHING CO.
1888.

CHAPTER 92.

OF THE RIGHTS OF PERSONS ACCUSED.*

§ 2. Defendant presumed innocent.

Where, in a prosecution for a crime, several accounts of the affair made by the accused are proved, some more favorable to him than others, it is for the jury to determine which account is the true one, and a charge which leaves the jury to infer that they are not to take into consideration the accounts most favorable to him is erroneous. *State v. Laliver*, 4 Minn. 368, (Gil. 277.)

CHAPTER 93.

OF OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE.

[See *post*, Penal Code, § 541, repealing *cc.* "93, 94, 95, 96, 97, 98, 99, 100, 101, of the General Statutes of 1878, and all acts and parts of acts which are inconsistent with the provisions of this act, * * * so far as they define any crime or impose any punishment for crime, except as herein provided."

By § 542 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."]

See, also, *post*, Penal Code, § 344, note.

CHAPTER 94.

OFFENSES AGAINST LIFE AND PERSON.

[As to repeal, see note to *c.* 93, *ante.*]

*§§ 3, 4, 5, 6. Death penalty.

[These sections repealed, and death penalty restored, 1883, *c.* 122; *post*, pages 1054, 1055, *§ 2*a.*, and note.]

§ 34. (Sec. 24.) Manslaughter in fourth degree—Penalty.

[Amended 1881, *c.* 62, § 2; *post*, page 1055, § 34.]

See, as to the amendment of 1881, (Laws 1881, *c.* 62, § 2,) *State v. Small*, 29 Minn. 216, 12 N. W. Rep. 703.

*§ 60. Tumbling-rods of threshing-machines — Failure to cover—Prosecutions.

This and the two preceding sections make the operation of a threshing-machine using a tumbling-rod an unlawful act, unless such rod and the knuckles are boxed, and no

* See provisions for private consultations between attorneys and prisoners, *ante*, *c.* 88.

recovery can be had upon any contract the consideration of which is threshing done with such a machine without its rod and knuckles being boxed, as required by statute. Gilfillan, C. J., dissenting. *Ingersoll v. Randall*, 14 Minn. 400, (Gil. 304.)

***§ 63. Obstructing railroad engines, etc.—Penalty.**

If one willfully places on a railroad track, on which engines and carriages conveying persons are likely to pass, any obstruction likely to produce disaster to such engines or carriages, and to endanger the safety of the persons conveyed thereon, he is guilty of the offense described in *§ 63, though no engine or carriage be actually stopped or impeded by such obstruction. *State v. Kilty*, 28 Minn. 421, 10 N. W. Rep. 475.

CHAPTER 95.

OFFENSES AGAINST PROPERTY.

[As to repeal, see note to c. 93, *ante*. *§§ 45a–45t, 55a, 66a, 66b, 72a, 91a, 91b, 100, *post*, are independent acts, and are not parts of the General Statutes.]

§ 22. (Sec. 12.) Entering buildings, etc., with felonious intent.

[Amended 1883, c. 65, § 1; *post*, page 1055, § 22.]

§ 23. (Sec. 13.) Larceny in dwelling, etc.

[Amended 1883, c. 65, § 2; *post*, page 1055, § 23.]

§ 24. (Sec. 14.) Larceny from the person.

[Amended 1883, c. 72, § 1; *post*, page 1055, § 24.]

***§ 45a. Counterfeiting trade-marks, brands, etc.—Penalty.**

Any person or persons who shall knowingly and willfully forge or counterfeit, procure to be forged or counterfeited, any representation, likeness, similitude, copy, or imitation of the private stamps, brands, wrapper, label, or trade-mark, usually affixed by any mechanic, manufacturer, druggist, merchant, or tradesman, to and upon the goods, wares, merchandise, or preparation of said mechanic, manufacturer, druggist, merchant, or tradesman, with intent to pass off any work, goods, manufacture, compound, or preparation, to which such forged or counterfeited representation, likeness, similitude, copy, or imitation is affixed, or intended to be affixed, as the work, goods, manufacture, compound, or preparation of such mechanic, manufacturer, druggist, merchant, or tradesman, shall, upon conviction thereof, be deemed guilty of a misdemeanor, upon conviction thereof, and shall be punished by imprisonment in the county jail for a period [of] not less than six months, nor more than twelve months, or fined not more than five thousand dollars. (1885, c. 178, § 1.*)

***§ 45b. Same—Possession of dies, plates, etc.—Penalty.**

Any person or persons who shall, with intent to defraud any person or persons, body corporate or politic, have in his or their possession any die or dies, plate or plates, brand or brands, engraving or engravings, or printed labels, stamps,

* "An act to prevent and punish fraud in use of false stamps, brands, labels, or trade-marks." Approved March 9, 1885.