

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
MOSES SHERBURNE and WILLIAM HOLLINSHEAD, Esqrs.,
COMMISSIONERS.

PUBLISHED BY STATE AUTHORITY.

SAINT PAUL:
THE PIONEER PRINTING COMPANY.

1859.

CHAPTER 96.

OFFENSES AGAINST CHASTITY, MORALITY AND DECENCY.

SECTION

1. Adultery how punished.
2. Polygamy how punished.
3. Excepted cases.
4. Lewd and lascivious cohabitation.
5. Fornication how punished.
6. Punishment of seduction.
7. Mother concealing death of bastard.
8. Offense described in indictment.
9. Keeping house of ill fame, how punished.
10. Lease of such house when void.
11. Selling obscene books, &c.
12. Incest how punished.
13. Sodomy how punished.
14. Disturbing religious worship.
15. Violation of sepulchre.
16. Injuring or defacing tombs, &c.
17. Making roads, &c., through burial grounds.
18. Cruelty to animals.
19. Labor prohibited on Sunday.
20. Sunday what time to include.

SECTION

21. Civil process not to be served on Sunday.
22. Powers of justices of the peace under this chapter.
23. Houses of public worship not to be disturbed.
24. Penalty for disturbance.
25. Liquor or goods not to be sold within two miles of camp meeting.
26. Penalty for such sale.
27. Horse racing, gambling, &c., near same, prohibited.
28. Parents and guardians liable for offenses of children and wards.
29. Trial under this act, before district court.
30. Proceedings on forfeiture of recognizance.
31. Complaints how made.
32. Fines and forfeitures to go to school fund.
33. Prosecution must commence within sixty days.
34. Act to take effect at passage.

[Chapter 103, Revised Statutes.]

Adultery how punished.

(1.) SEC. I. Every person who shall commit the crime of adultery, shall be punished by imprisonment in the territorial prison, not more than two years, or by fine not exceeding three hundred dollars, nor less than seventy dollars; and when the crime is committed between a married woman and a man who is unmarried, the man shall be deemed guilty of adultery, and be liable to the same punishment. But no prosecution for adultery shall be commenced, except on the complaint of the husband or the wife, and no such prosecution shall be commenced after one year from the time of committing the offense.

Polygamy how punished.

(2.) SEC. II. If any person who has a former husband or wife living, shall marry another person, or shall continue to cohabit with such second husband or wife, he or she shall, except in the cases mentioned in the third section, be deemed guilty of the crime of polygamy, and shall be punished by imprisonment in the territorial prison, not more than four years, nor less than two years, or by fine not exceeding five hundred dollars, nor less than three hundred dollars.

Excepted cases.

(3.) SEC. III. The provisions of the preceding section shall not extend to any person, whose husband or wife shall have been continually remaining beyond sea, or shall have voluntarily withdrawn from the other, and remained absent for the space of seven years together, the party marrying again, not knowing the other to be living within that time; nor to any person who has been legally divorced from the bonds of matrimony, and was not the guilty cause of such divorce.

Persons guilty of lascivious conduct, how punished.

(4.) SEC. IV. [As amended on page 24 of the amendments of 1852 to the revised statutes:] If any man and woman, not being married to each other, shall lewdly and lasciviously cohabit and associate together, or if any man or woman, married or unmarried, shall be guilty of open and gross lewdness or lascivious behavior, every such person shall be punished, by fine not exceeding three hundred dollars, or by imprisonment in a county jail not exceeding three months.

(5.) SEC. V. If any man shall commit fornication with any single woman, each of them shall be punished by imprisonment in the jail, not more than thirty days, or by fine not exceeding thirty dollars. Fornication how punished.

(6.) SEC. VI. Any unmarried man who, under promise of marriage, or any married man, who shall seduce and have illicit connexion with any unmarried female of previous chaste character, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the territorial prison, not exceeding five years, or by imprisonment in a county jail, not exceeding one year; but no conviction shall be had under the provisions of this section, on the testimony of the female seduced, unsupported by other evidence, nor unless indictment shall be found within two years after the commission of the offense: *provided*, that the subsequent intermarriage of the parties may be plead in bar of a conviction. Punishment of seduction.

(7.) SEC. VII. If any woman shall conceal the death of any issue of her body, which, if born alive, would be a bastard, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, she shall be punished by imprisonment in the territorial prison, not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars. Mother concealing death of bastard.

(8.) SEC. VIII. Any woman who shall be indicted for the murder of her infant bastard child, may also be charged in the same indictment, with the offense described in the last preceding section; and if on the trial, the jury shall acquit her of the charge of murder, and find her guilty of the other offense, judgment and sentence may be awarded against her for the same. Offense described in indictment.

(9.) SEC. IX. Every person who shall keep a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment in the territorial prison, not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars. Keeping house of ill fame how punished.

(10.) SEC. X. Whenever the lessee of any dwelling house, shall be convicted of the offense mentioned in the next preceding section, the lease or contract for letting such house, shall, at the option of the lessor, become void; and such lessor shall thereupon have the like remedy to recover the possession, as against a tenant for holding over after the expiration of his term. Lease of such house when void.

(11.) SEC. XI. If any person shall import, print, publish, sell, or distribute any book, or any pamphlet, ballad, printed paper, or other thing containing obscene language, or obscene prints, pictures, figures, or other descriptions manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school, or place of education, or shall buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of loan, sale, exhibition; or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be punished by imprisonment in the county jail, not more than six months, or by a fine not exceeding two hundred dollars. Selling obscene books, &c.

(12.) SEC. XII. All persons being within the degrees of consanguinity, within which marriages are prohibited, or declared by law to be incestuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, shall be punished by imprisonment in the territorial prison, not more than two years, nor less than six months. Incest how punished.

(13.) SEC. XIII. Every person who shall commit sodomy, or the crime against nature, either with mankind or any beast, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than one year. Sodomy how punished.

Penalty for disturbing public worship.

(14.) SEC. XIV. (a) [*As amended on page 24 of the amendments of 1852 to the revised statutes:*] Every person who on the Lord's day, or at any other time, shall willfully interrupt or disturb any assembly of people, met for worship, within the place of such meeting or out of it, shall be punished by fine not exceeding twenty dollars, nor less than five dollars, or imprisonment in the county jail not exceeding thirty days.

Violation of sepulchre.

(15.) SEC. XV. If any person not being lawfully authorized, shall willfully dig up, disinter, remove, or convey any human body, or the remains thereof, or shall knowingly aid in such disinterment, removal, or conveying away, every such offender and every accessory thereto, either before or after the fact, shall be punished by imprisonment in the territorial prison, not more than two years, nor less than six months, or by fine not exceeding two hundred dollars.

Injuring or defacing tombs, &c.

(16.) SEC. XVI. If any person shall willfully, or with evil intent destroy, mutilate, deface, or remove any tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection, or for the ornament of any tomb, monument, gravestone, or other structure before mentioned, or of any inclosure for the burial of the dead, or shall willfully, and with evil intent destroy, mutilate, remove, cut, break, or injure any tree, shrub, or plant, placed or being within any such inclosure, the person so offending shall be punished by a fine not exceeding one thousand dollars, nor less than twenty-five dollars.

Making roads, &c., through burial grounds.

(17.) SEC. XVII. If any person shall open or make any highway or town way, or shall construct 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 shall be specially granted by law, or unless the consent of such town, village, or religious society, or private proprietors respectively, shall be first obtained, he shall be punished by fine not exceeding three hundred dollars, nor less than sixty dollars, or by imprisonment in the territorial prison not more than one year nor less than six months.

Cruelty to animals.

(18.) SEC. XVIII. Every person who shall cruelly beat or torture any horse, ox, or other animal, whether belonging to himself or another, shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding fifty dollars nor less than five dollars.

Labor prohibited on Sunday.

(19.) SEC. XIX. No person shall keep open his shop, ware house, or work house, or shall do any manner of labor, business, or work, except only works of necessity and charity, be present at any dancing, or any public diversion, show or entertainment, or take part in any sport, game or play, on the Lord's day, commonly called Sunday; and every person so offending shall be punished by a fine not exceeding two dollars for each offense.

Sunday what time to include.

(20.) SEC. XX. For the purposes of the provisions of the nineteenth section, the Lord's day shall be understood to include the time between the midnight preceding, and the midnight following the said day.

Civil process not to be served on Sunday.

(21.) SEC. XXI. No person shall serve or execute any civil process from midnight preceding, to midnight following the said Lord's day, but such service shall be void, and the person serving or executing such process shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

Powers of

(22.) SEC. XXII. Justices of the peace shall have jurisdiction of the

(a) See with section 14, laws of 1858, chapter 31, page 65, published in this chapter.

offenses mentioned in the fifth, fourteenth, eighteenth, and nineteenth sections of this chapter.

justices of the peace under this chapter.

An Act for the Protection of Religious Meetings.

[Passed July 27, 1859.] c. 31

(23.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* No person shall on the first day of the week, commonly called the Lord's day, within the walls of any house of public worship or near the same, behave rudely or indecently, whether in the time of public service, or between the forenoon or afternoon services, or if any person or persons shall disturb any religious meeting by speaking in the same, or in any other manner conduct himself or themselves, so as to prevent the stated and orderly proceedings and exercises of such meeting, or shall make such disturbance while the people are assembling at or leaving their place of worship, and shall not desist therefrom when requested, he may be removed from such meeting or place of worship by any individual.

Houses of public worship to be exempt from disturbance.

(24.) SEC. II. Any person offending against any provision of the foregoing section of this act, shall forfeit a sum not exceeding twenty-five dollars, nor less than two dollars, which shall be recovered by complaint of any person before any justice of the peace of the town, or adjoining town to that in which the offense was committed.

Penalties for offending.

(25.) SEC. III. 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 merchandize 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 merchandize at the shop or store where he usually transacts business, nor from selling liquors in any place where he shall have received a license therefor before the appointment of such religious meeting; nor to prevent any pedlar from selling his goods to any person at the usual place of business or residence of such person.

Prohibits sale of liquors or goods within two miles of camp meetings.

(26.) SEC. IV. If any person shall be guilty of a breach of the preceding section, upon conviction thereof before any justice of the peace, he 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.

Penalty for offending.

(27.) SEC. V. If any person shall be 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 shall at any religious meeting of the citizens of this state, maliciously cut or otherwise injure or destroy any harness, or tents, or other property belonging to any tent holder or other person, upon conviction thereof before any justice of the peace, he shall be fined not exceeding fifty dollars, or if the offense be 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 imprisoned in the county jail not exceeding ninety days, or by both such fine and imprisonment.

Prohibits horse-racing, gambling, &c.; penalty.

(28.) SEC. VI. Parents and guardians shall be respectively liable for all forfeitures incurred by children and wards under their care.

Parents and guardians liable for offenses of children.

(29.) SEC. VII. If any person shall be guilty of a breach of the preceding sections of this act, he may be required to recognize with sureties in a sum not less than one hundred dollars, to appear at the district court

Trial by district court.

next to be holden in the same county, and to abide the order of said court, and in the mean time to be of good behavior.

Forfeiture of recognizance; procedure.

(30.) SEC. VIII. If such recognizance is forfeited, said court may require such offender to recognize with such sufficient sureties, in a sum not exceeding three hundred dollars, to appear at the next term of said court, and to abide the order thereof, and in the meantime to be of good behavior, and so from term to term as may be ordered by said court, as long as such forfeiture may be incurred.

Complaints how made.

(31.) SEC. IX. Any person may, upon view or knowledge of any offense described in this act, go before some justice of the peace of the town or adjoining town to that in which the offense was committed, who shall upon complaint under oath issue his warrant, cause such offender to be arrested, and proceed to a hearing of such complaint.

Fines and penalties to go to school fund.

(32.) SEC. X. All fines and forfeitures that may be collected under this act, shall be paid by the justice of the peace or court collecting the same, into the county treasury to the credit of the common school fund of the county, within ninety days after collecting the same.

Prosecutions to be commenced within sixty days.

(33.) SEC. XI. No prosecution for any violation of the provisions of this act shall be sustained unless commenced within sixty days after the commission of such offense.

Take effect when.

(34.) SEC. XII. This act shall take effect and be in force from and after its passage.

CHAPTER 97.

OFFENSES AGAINST THE PUBLIC HEALTH.

SECTION

1. Penalty for selling unwholesome provision, &c.
2. Penalty for adulterating food, liquors, &c.
3. Penalty for adulterating drugs and medicines.

SECTION

4. For inoculating with small pox.
5. Physician prescribing when intoxicated.
6. Apothecary selling arsenic without labeling, &c.

[Chapter 108, Revised Statutes.]

Penalty for selling unwholesome provision, &c.

(1.) SEC. I. If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail, not more than six months, or by fine not exceeding five hundred dollars.

Penalty for adulterating food, liquors, &c.

(2.) SEC. II. If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, with any substance injurious to health, he shall be punished by imprisonment in the county jail, not more than one year, or by fine not exceeding two hundred dollars, and the articles so adulterated, shall be forfeited and destroyed.

Penalty for adulterating drugs and medicines.

(3.) SEC. III. [As amended on page 25 of the amendments of 1852 to the revised statutes:] If any person shall fraudulently adulterate, for the