

THE *J. Rogers*  
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND  
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,  
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE  
ACT AUTHORIZING A STATE GOVERNMENT, AND THE  
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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Edited and Published under the authority of Chapters 15 and 16 of  
the Laws of 1866.

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OFFENSES AGAINST PUBLIC JUSTICE.

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SECTION 1. Whoever, being lawfully required to depose the truth in any proceedings in a court of justice, commits perjury, shall be punished, if such perjury was committed on the trial of an indictment for a capital crime, by imprisonment in the state prison, not more than fifteen years, nor less than three years, and if committed in any other case, by imprisonment in the state prison, not more than five years, nor less than two years.

Perjury, how punished.

SEC. 2. Whoever, being required or authorized by law, to take an oath or affirmation, willfully swears, affirms, promises, or declares falsely, in regard to any matter or thing respecting which such oath, affirmation, promise or declaration is required, or authorized, is guilty of perjury.

What deemed perjury.

SEC. 3. Whoever is guilty of subornation of perjury, by procuring another person to commit the crime of perjury, as aforesaid, shall be punished in the same manner as for the crime of perjury.

Subornation of perjury.

SEC. 4. Whoever endeavors to procure or incite any other person to commit the crime of perjury, though no perjury is committed, shall be punished by imprisonment in the state prison, not more than three years nor less than one year.

Inciting person to commit perjury, how punished.

SEC. 5. Whenever it appears to any court of record, that any witness or party who has been legally sworn and examined, or has made an affidavit in any proceedings in a court of justice, has testified in such a manner as to induce a reasonable presumption that he has been guilty of perjury therein, the court may take a recognizance with sureties for his appearing to answer to an indictment for perjury, and thereupon the witness to establish such perjury may be bound over to the proper court, and notice of the proceedings shall forthwith be given to the county attorney.

Witness appearing to have committed perjury may be required to recognize.

SEC. 6. If in any proceeding in a court of justice, in which perjury is reasonably presumed as aforesaid, any papers, books, or documents have been produced which are deemed necessary to be used in any prosecution for such perjury, the court may order a certified copy of such books, papers, or documents to be taken, to be used in such prosecution, and such certified copy shall be used in such prosecution in the same manner as the original might have been.

Copies of papers, &c., may be taken.

Giving or offering  
bribes to officers,  
how punished.

SEC. 7. Whoever corruptly gives, offers, or promises to any executive, judicial or legislative officer, after his election or appointment, and either before or after he has been qualified or taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision or judgment in any matter, question, cause or proceeding, which may then be pending, or may by law come to be brought before him in his official capacity, shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by fine not exceeding five hundred dollars nor less than one hundred dollars.

Accepting bribes  
by officers, how  
punished.

SEC. 8. Every executive, legislative or judicial officer who accepts any gift or gratuity, or any promise to make any gift or do any act beneficial to such officer, under an agreement or with an understanding that his vote, opinion or judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding which is or may be by law brought before him in his official capacity, or that in such capacity he shall make any particular nomination or appointment, shall be punished by imprisonment in the state prison not more than four years nor less than two years, or by fine not exceeding six hundred dollars nor less than two hundred dollars.

Corrupting or  
attempting to  
corrupt court,  
juror, or other  
officer, how pun-  
ished.

SEC. 9. Whoever corrupts or attempts to corrupt any court, commissioner, juror, arbitrator, umpire or referee, by giving, offering or promising any gift or gratuity whatever, with intent to bias his opinion, or influence the decision of such court, commissioner, juror, arbitrator, umpire or referee, in relation to any cause or matter which may be pending in the court or before an inquest, or for the decision of such arbitrator, umpire or referee has been appointed, shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by fine not exceeding five hundred dollars nor less than one hundred dollars.

Accepting bribes  
by judicial offi-  
cers, how pun-  
ished.

SEC. 10. If any person summoned as a juror, chosen or appointed as an arbitrator, umpire or referee, or if any court commissioner takes any money or other thing to give his verdict, award or report, or receives any gift or gratuity whatever, from a party to any action or proceeding, for the trial or decision of which such juror has been summoned, or for the hearing or determining of which such court commissioner, arbitrator, umpire or referee has been chosen or appointed, he shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by fine not exceeding six hundred dollars nor less than two hundred dollars.

Attempts to aid  
escapes from  
prison and rescu-  
ing prisoners,  
how punished.

SEC. 11. Whoever conveys into any jail, house of correction, house of reformation, or other like place of confinement, any disguise, or any instrument, tool, weapon, or other thing, adapted or useful to aid any prisoner to make his escape, with intent to facilitate the escape of any prisoner there lawfully committed or detained, or by any means whatever aids or assists any such prisoner in his endeavor to escape therefrom, whether such escape is attempted or effected or not; and every person who forcibly rescues any prisoner held in custody, upon any conviction or charge of an offense, shall be punished by imprisonment in the state prison not more than four years nor less than two years, or if the person, whose escape or rescue was effected or intended, was charged with an offense not capital, nor punishable by imprisonment in the state prison, then the punishment for the offense mentioned in this section shall be by imprisonment in the county jail not more than one year, or by fine not exceeding two hundred dollars.

Aiding in an es-  
cape from an offi-  
cer, how pun-  
ished.

SEC. 12. Whoever aids or assists any prisoner in escaping or in attempting to escape from any officer or person who has the lawful custody of such prisoner, shall be punished by imprisonment in the

county jail not more than one year, or by fine not exceeding five hundred dollars.

SEC. 13. If any jailor or other officer voluntarily suffers any prisoner in his custody, upon conviction of any criminal charge, to escape, he shall suffer, unless the prisoner was charged with or convicted of a capital offense, the like punishment and penalties as the prisoner so suffered to escape was sentenced to, or would be liable to suffer upon conviction for the crime or offense wherewith he stood charged; and if the prisoner was charged with or convicted of a capital offense, he shall be punished by imprisonment in the state prison not more than thirty years nor less than five years.

Voluntarily suffering prisoner to escape from prison, how punished.

SEC. 14. If any jailor or other officer, through negligence, suffers any prisoner in his custody, upon conviction or upon any criminal charge, to escape, or willfully refuses to receive into his custody any prisoner lawfully committed thereto on any criminal charge or conviction, or on any lawful process whatever, he shall be punished by imprisonment in the county jail not more than two years, or by fine not exceeding three hundred dollars.

Suffering an escape through negligence, how punished.

SEC. 15. If any officer, authorized to serve process, willfully and corruptly refuses to execute any lawful process to him directed, and requiring him to apprehend or confine any person convicted or charged with an offense, or willfully and corruptly omits or delays to execute such process, whereby such person escapes and goes at large, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars.

Refusing to arrest and suffering escape, how punished.

SEC. 16. Whoever being required by any sheriff, deputy sheriff, coroner, or constable, neglects or refuses to assist them in the execution of their office, in any criminal case, or in the preservation of the peace, or the apprehending or securing of any person for a breach of the peace, or in any case of escape or rescue of persons arrested upon civil process, he shall be punished by fine not exceeding one hundred dollars.

Refusing to aid officer, how punished.

SEC. 17. If any justice of the peace upon view of any breach of the peace; or any other offense proper for his cognizance, requires any person to apprehend and bring before him the offender, every person so required who refuses or neglects to obey such justice, shall be punished in the same manner as is provided in the preceding section for refusing assistance to a sheriff.

Refusing to arrest upon order of justice, how punished.

SEC. 18. Whoever falsely assumes or pretends to be a justice of the peace, sheriff, deputy sheriff, coroner or constable, and takes upon himself to act as such, to require any person to aid or assist him in any matter pertaining to the duty of a justice of the peace, sheriff, deputy sheriff, coroner or constable, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding two hundred dollars.

Falsely assuming to be a justice of the peace, or officer, how punished.

SEC. 19. Whoever in any manner disguises himself with intent to obstruct the due execution of the law, or with intent to intimidate, hinder, or interrupt any officer or any other person in the legal performance of his duty, or the exercise of his rights under the laws of this state, whether such intent is effectual or not, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one hundred dollars.

Disguising, to obstruct execution of the law, how punished.

SEC. 20. Whoever takes any money, or gratuity, or reward, or an engagement therefor, upon any agreement or understanding, express or implied, to compound or conceal the commission of any offense, or not to prosecute therefor, or not give evidence thereof, shall, where such offense was punishable with death, be punished by imprisonment in the state prison, not more than three years; and where the offense was punishable

Compounding or concealing offenses, how punished.

in any other manner, shall be punished by imprisonment in the state prison, not exceeding one year, or in the county jail not more than six months, or by fine not exceeding one hundred dollars.

Officers taking rewards for omitting their duty, how punished.

SEC. 21. If any sheriff, constable or other officer authorized to serve legal process, receives from a defendant or any other person, any money or other valuable thing, as a consideration, reward, or inducement for delaying or omitting to arrest any defendant, or to carry him before a magistrate, or for delaying to take any person to prison, or for postponing the sale of any property under an execution, or for omitting or delaying to perform any duty pertaining to his office, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars.

CHAPTER XCVIII.

OFFENSES AGAINST THE PUBLIC PEACE.

SECTION

- 1. Unlawful assemblies, how dispersed.
- 2. Person refusing to assist, how liable.
- 3. Officers neglecting to exercise authority, how punished.
- 4. Officers may use what means to disperse unlawful assemblies.

Unlawful assemblies, how dispersed.

SECTION 1. If any persons, to the number of twelve or more, any of whom being armed with any dangerous weapons; or if any persons to the number of thirty or more, whether armed or not, are unlawfully, riotously, or tumultuously assembled in any city, town, or county, it shall be the duty of the mayor and each of the aldermen of such city, and of the president and each of the trustees of such town, and of every justice of the peace living in such city or town, and of the sheriff of the county and his deputies, and also of every constable and coroner living in such city or town, to go among the persons so assembled, or as near them as may be with safety, and in the name of the state of Minnesota, to command all the persons so assembled, immediately and peaceably to disperse; and if the persons so assembled shall not thereupon immediately and peaceably disperse, it shall be the duty of each of the magistrates and officers to command the assistance of all persons there present, in seizing, arresting, and securing in custody, the persons so unlawfully assembled, so that they may be proceeded with according to law.

Person refusing to assist, how liable.

SEC. 2. Whoever, being present and commanded, by any of the magistrates or officers mentioned in the preceding section, to aid or assist in seizing and securing such rioters or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, shall be deemed to be one of the rioters or persons unlaw-

SECTION

- 5. Armed force, called out to suppress riot, &c., to be under whose orders.
- 6. Officers, held guiltless of death of persons caused by efforts to suppress riot—all rioters liable for death of officers.
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