

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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1883.

body corporate, or any public officer in his official capacity, or any copartnership or member thereof, or any particular person.

§ 11. Counterfeiting coin, or having ten pieces in possession with intent, etc. Whoever counterfeits any gold or silver coin current by law or usage within this state, and whoever has in his possession, at the same time, ten or more pieces of false money or coin counterfeited in the similitude of any gold or silver coin current as aforesaid, knowing the same to be false and counterfeited, and with intent to utter or pass the same as true, shall be punished by imprisonment in the state prison not more than five years, nor less than one year.

§ 12. Possession of less than ten pieces, with intent, etc. Whoever has in his possession, any number of pieces less than ten of the counterfeit coin mentioned in the preceding section, knowing the same to be counterfeit, with intent to utter or pass the same as true, and whoever utters, passes or tenders in payment as true, any such counterfeit coin, knowing the same to be false and counterfeit, with intent to injure or defraud, shall be punished by imprisonment in the state prison not more than three years, nor less than one year.

§ 13. Making or possessing tools for coining counterfeit money. Whoever casts, stamps, engraves, makes or mends, or knowingly has in his possession, any mould, pattern, die, puncheon, engine, press, or other tool or instrument, adapted and designed for coining or making any counterfeit coin in the similitude of any gold or silver coin current by law or usage in this state, with intent to use the same, or causes or permits the same to be used or employed in coining or making any such false and counterfeit coin as aforesaid, shall be punished by imprisonment in the state prison not more than five years, nor less than two years.

CHAPTER XC VII.

OFFENCES AGAINST PUBLIC JUSTICE.

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7-10. Bribery of public officers—acceptance of bribe—bribery of court, juror, etc.—acceptance of bribe.	18. Falsely assuming to be a justice of peace or officer.
11-12. Aiding prisoner to escape from jail, etc.—rescues—aiding escape from officer.	19. Assuming disguise to obstruct execution of law.
13-17. Officer voluntarily permitting prisoner to	20. Compounding or concealing offences.
	21. Sheriff, etc., taking bribe to neglect duty.

§ 1. Perjury in legal proceedings. 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 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.

§ 2. **Same—in other cases.** Whoever, being required or authorized by law, to take an oath or affirmation, wilfully 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.

See *ante*, c. 34, § 316.

§ 3. **Subornation of perjury—penalty.** 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.

§ 4. **Attempt at subornation of perjury.** 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.

§ 5. **Presumption of perjury—accused to give recognizance.** 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.

§ 6. **Documentary evidence—certified copies.** 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.

§ 7. **Bribery of public officers.** 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.

§ 8. **Acceptance of bribes by public officers.** 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.

§ 9. **Bribery of court, juror, etc.** 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 which 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.

§ 10. **Acceptance of bribe by juror, arbitrator, etc.** 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.

§ 11. **Aiding prisoners to escape from jail, etc.—rescues.** 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 offence, 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 offence not capital, nor punishable by imprisonment in the state prison, then the punishment for the offence 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.

§ 12. **Aiding prisoner to escape from officer.** 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.

§ 13. **Permitting prisoner to escape.** 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 offence, 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 offence wherewith he stood charged; and if the prisoner was charged with or convicted of a capital offence, he shall be punished by imprisonment in the state prison not more than thirty years, nor less than five years.

§ 14. **Negligent escape—refusal to receive prisoner.** If any jailor or other officer, through negligence, suffers any prisoner in his custody upon conviction or upon any criminal charge, to escape, or wilfully 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.

§ 15. **Refusal to arrest, etc.** If any officer, authorized to serve process, wilfully 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 offence, or wilfully 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.

§ 16. **Refusing to aid officer.** 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.

§ 17. **Refusing to arrest upon order of justice.** If any justice of the peace, upon view of any breach of the peace, or any other offence 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.

§ 18. **Falsely assuming to be a justice of the peace, etc.** 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.

§ 19. **Disguising, to obstruct execution of the law.** 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.

§ 20. **Compounding or concealing offences.** 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 offence, or not to prosecute therefor, or not give evidence thereof, shall, where such offence was punishable with death, be punished by imprisonment in the state prison not more than three years; and, where the offence was punishable 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.

§ 21. **Sheriff, etc., taking bribe to neglect duty.** 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 XC VIII.

OFFENCES AGAINST THE PUBLIC PEACE.

SECTION.

1-6. Unlawful assembles—how dispersed—persons present to assist magistrates in making arrests—penalty for refusal—neglect of officers to exercise authority—officers may use force, etc.—armed force to obey civil officers.

6-7. Officers, etc., not liable for death of rioters—

SECTION.

liability of rioters where person is killed or wounded—where buildings, etc., are destroyed.

8-10. Charivaris, etc.—form of complaint, etc.—fighting in public places—disturbing schools, meetings, etc.