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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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5 perty, or with intent by force or violence, to resist or op-
 6 pose the execution of the laws of this state, such armed
 7 force, when they arrive at the place of such unlawful, riot-
 8 ous, or tumultuous assembly, shall obey such orders for
 9 suppressing the riot or tumult, and for dispersing and ar-
 10 resting all the persons who are committing any of the said
 11 offenses, as they have received from the governor, or from
 12 any judge of the court of record, or the sheriff of the coun-
 13 ty; and also such further orders as they there shall receive
 14 from any two of the magistrates or officers mentioned in the
 15 first section.

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C. S. p. 724, Sect. 6.

1 SECT. 6. If by reason of any of the efforts made by any
 2 of the said magistrates or officers, or by their direction, to
 3 disperse such unlawful, riotous, or tumultuous assembly, or
 4 to seize and secure the persons composing the same who
 5 have refused to disperse, though the number remaining may
 6 be less than twelve, any such person or other persons then
 7 present as spectators, or otherwise, are killed or wounded,
 8 the said magistrates and officers, and all persons acting by
 9 their order, or under their directions, shall be held guiltless
 10 and fully justified in law; and if any of the said magistrates
 11 or officers, or any person acting by their order or under
 12 their direction, are killed or wounded, all the persons so
 13 unlawfully, riotously, and tumultuously assembled, shall be
 14 held answerable therefor.

C. S. p. 724, Sect. 7.

1 SECT. 7. If any of the persons so unlawfully assembled,
 2 demolish, pull down, or destroy any dwelling house, or any
 3 other building, or any shop, steamboat, or vessel, he shall
 4 be punished by imprisonment in the state prison, not more
 5 than seven years, nor less than three years.

CHAPTER XCIX.

OFFENSES AGAINST PUBLIC POLICY.

LOTTERIES.

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C. S. p. 724, Sect. 1.

1 SECTION 1. Whoever sets up or promotes any lottery
 2 for money, or disposes of any property of value, real or
 3 personal, by way of lottery, and whoever aids either by
 4 printing or writing, or in any way is concerned in setting
 5 up, managing, or drawing any such lottery, or who in any
 6 house, shop, or building owned or occupied by him, or un-
 7 der his control, knowingly permits the setting up, mana-

8 ging or drawing of any such lottery, or the sale of any lot-
 9 tery ticket, or share of a ticket, or any other writing, cer-
 10 tificate, bill, token, or any other device purporting or in-
 11 tended to entitle the holder, bearer, or any other person to
 12 any prize or interest, or share of any prize to be drawn in
 13 a lottery, shall for every such offense, be punished by im-
 14 prisonment in the county jail not more than six months nor
 15 less than one month.

1 SECT. 2. Whoever sells either for himself or for any
 2 other person, or offers for sale, or has in his possession with
 3 intent to sell or to offer for sale, or to exchange or nego- C. S. p. 725, Sect. 2 c 94
 4 tiate, or in any wise aids or assists in the selling, negotia-
 5 ting or disposing of a ticket in any such lottery, or a share
 6 of a ticket, or any such writing, certificate, bill, token, or
 7 other device as is mentioned in the preceding section, shall
 8 be punished by fine not exceeding five hundred dollars nor
 9 less than one hundred dollars.

1 SECT. 3. Whoever advertises any lottery ticket or any
 2 share in such ticket for sale either by himself or any other C. S. p. 725, Sect. 4.
 3 person, or who sets up or exhibits any sign, symbol or any
 4 emblematic or other representation of a lottery, or of the
 5 drawing thereof, or any such writing, certificate, bill, to-
 6 ken or other device before mentioned, or where the same
 7 may be purchased or obtained, or in any way invites or en-
 8 tices or attempts to invite or entice any other person to
 9 purchase or receive the same, shall be punished by fine not
 10 exceeding one hundred dollars.

1 SECT. 4. Whoever makes, sells or has in his possession
 2 with intent to sell, exchange or negotiate, or who by print-
 3 ing, writing or otherwise, assists in making or selling, or in
 4 attempting to sell, exchange or negotiate any false or ficti- C. S. p. 725, Sect. 5.
 5 tious lottery ticket or any share thereof, or any writing,
 6 certificate, bill, token, or other device before mentioned,
 7 or any ticket or share thereof, in any fictitious or pretend-
 8 ed lottery, knowing the same to be false or fictitious, or
 9 who receives any money or other thing of value, for any
 10 such ticket or share of a ticket, or for any such writing,
 11 certificate, bill, token or other device, purporting that the
 12 owner, bearer or holder thereof shall be entitled to receive any
 13 prize, or any share of such prize, or any other thing of val-
 14 ue that may be drawn in any lottery, knowing the same to
 15 be false or fictitious, shall for every such offense be punish-
 16 ed by imprisonment in the state prison not exceeding two
 17 years nor less than six months.

1 SECT. 5. Upon a trial of an indictment for either of the C. S. p. 725, Sect. 6.
 2 offenses mentioned in the preceding section, any ticket or

3 share of a ticket, or any other writing or thing before men-
 4 tioned which the defendant has sold or offered for sale, or
 5 for which he has received any valuable consideration, shall
 6 be deemed to be false, spurious or fictitious, unless such de-
 7 fendant proves the same to be true and genuine, and to
 8 have been duly issued by the authority of some legislature
 9 within the United States, and that such lottery was exist-
 10 ting and undrawn, and that such ticket or share thereof, or
 11 writing or thing before mentioned, was issued by lawful au-
 12 thority and binding upon the persons who issued the same.

GAMBLING.

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C. S. p. 726, Sect. 1.
Amended.

1 SECT. 6. Gambling with cards, dice, gaming tables or
 2 any other gambling devices whatever is prohibited.

C. S. p. 726, Sect. 2.

1 SECT. 7. Whoever deals cards at the game called faro,
 2 pharo, or forty-eight, whether the same is dealt with fifty-
 3 two, or any other number of cards, and whoever keeps any
 4 gambling device whatever, designed to be used in gambling,
 5 shall be punished by fine not exceeding one hundred nor
 6 less than fifty dollars.

C. S. p. 726, Sect. 3.

1 SECT. 8. Whoever bets any money, or other property
 2 at or upon any gaming table, game or device, shall be
 3 punished by fine not exceeding twenty, nor less than five
 4 dollars.

C. S. p. 726, Sect. 4.

1 SECT. 9. Whoever suffers any gaming table, faro bank,
 2 or gambling device to be set up or used for the purpose of
 3 gambling, in any house, building, steamboat, raft, keelboat
 4 or boom, lot, yard or garden to him belonging, or by him
 5 occupied, or of which he has the control, shall be punished by
 6 fine, not exceeding one hundred nor less than seventy-five
 7 dollars.

C. S. p. 726, Sect. 5.

1 SECT. 10. No person shall be incapacitated or excused
 2 from testifying touching any offense committed by another
 3 against any of the provisions of this chapter relating to
 4 gambling, by reason of his having bet or played at the pro-
 5 hibited games or gambling devices; but the testimony which
 6 may be given by such person shall in no case be used against
 7 such witness.

C. S. p. 726, Sect. 6.

1 SECT. 11. All fines mentioned in this chapter may be
 2 recovered before any justice of the peace, in, and in the
 3 name of, and for the use of, the county where such offense
 4 was committed.

RECOVERY OF MONEY OR GOODS LOST BY GAMBLING.

1 SECT. 12. Whoever by playing at cards, dice or other
 2 game, or by betting on the hands or sides of such as are
 3 gambling, loses to any person so playing or betting any sum
 4 of money or any goods whatever, and pays or delivers the
 5 same or any part thereof to the winner, the person so losing
 6 and paying or delivering the same, may sue for and recover
 7 such money by a civil action, before any court having com-
 8 petent jurisdiction.

C. S. p. 727, Sect. 8.

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1 SECT. 13. All notes, bills, bonds, mortgages or other
 2 securities or conveyances whatever, in which the whole or
 3 any part of the consideration shall be for any money or
 4 goods won by gambling or playing at cards, dice, or any oth-
 5 er game whatever, or by betting on the sides or hands of
 6 any person gambling, or for reimbursing or repaying any
 7 money knowingly lent or advanced at the time and place of
 8 such gambling or betting, or lent and advanced for any
 9 gambling or betting to any person so gambling or betting,
 10 shall be void, and of no effect, as between the parties to the
 11 same, and as to all persons except such as hold or claim un-
 12 der them in good faith, and without notice of the illegality
 13 of the consideration of such contract or conveyance.

C. S. p. 727, Sect. 10.
Amended.

CHAPTER C.

OFFENSES AGAINST CHASTITY, MORALITY AND
DECENCY.

1 SECTION 1. Whoever commits the crime of adultery,
 2 shall be punished by imprisonment in the state prison, not
 3 more than two years, or by fine not exceeding three hun-
 4 dred dollars, nor less than seventy dollars; and when the
 5 crime is committed between a married woman and a man
 6 who is unmarried, the man shall be deemed guilty of adul-
 7 tery, and be liable to the same punishment. But no prosecu-
 8 tion for adultery shall be commenced, except on the com-
 9 plaint of the husband or the wife, and no such prosecution
 10 shall be commenced after one year from the time of com-
 11 mitting the offense.

C. S. p. 728, Sect. 1.

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1 SECT. 2. If any person who has a former husband or
 2 wife living marries another person, or continues to cohabit
 3 with such second husband or wife, he or she shall, except
 4 in the cases mentioned in the third section, be deemed guil-

C. S. p. 728, Sect. 2.