

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AND A LIST OF ACTS PREVIOUSLY REPEALED,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.

---

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

---

ST. PAUL.  
PUBLISHED BY DAVIDSON & HALL,  
STATE PRINTERS, 170 THIRD STREET.  
1872.

CHAPTER XCIX.

OFFENSES AGAINST PUBLIC POLICY.

SECTION

LOTTERIES.

1. Setting up or promoting lotteries, &c., how punished.
2. Selling lottery tickets, &c., how punished.
3. Advertising lottery tickets, &c., how punished.
4. Making or selling fictitious lottery ticket, how punished.
5. Rule of evidence in trial of offenses under last section.

GAMBLING.

6. Gambling prohibited.
7. Gambling, how punished.

SECTION

8. Betting at gaming table, &c., how punished.
9. Permitting gaming table, &c., to be set up, &c., how punished.
10. Who not excused from testifying—testimony not to be used against witness.
11. Fines under this chapter recoverable before justice of the peace.

RECOVERY OF MONEY OR GOODS LOST BY GAMBLING.

12. Money lost by gambling, may be sued for, in civil action.
13. Notes, &c., given for money won by gambling, are void, when.

LOTTERIES.

Setting up or promoting lotteries, how punished.

SECTION 1. Whoever sets up or promotes any lottery for money, or disposes of any property of value, real or personal, by way of lottery, and whoever aids either by printing or writing, or in any way is concerned in setting up, managing or drawing any such lottery, or who in any house, shop or building owned or occupied by him, or under his control, knowingly permits the setting up, managing or drawing of any such lottery, or the sale of any lottery ticket, or share of a ticket, or any other writing, certificate, bill, token, or any other device purporting or intended to entitle the holder, bearer, or any other person to any prize or interest, or share of any prize to be drawn in a lottery, shall for every such offense, be punished by imprisonment in the county jail, not more than six months, nor less than one month.

Selling lottery tickets, &c., how punished.

SEC. 2. Whoever sells, either for himself or for any other person, or offers for sale, or has in his possession with intent to sell or to offer for sale, or to exchange or negotiate, or in any wise aids or assists in the selling, negotiating or disposing of a ticket in any such lottery, or a share of a ticket, or any such writing, certificate, bill, token, or other device as is mentioned in the preceding section, shall be punished by fine not exceeding five hundred dollars, nor less than one hundred dollars.

Advertising lottery tickets, &c., how punished.

SEC. 3. Whoever advertises any lottery ticket, or any share in such ticket, for sale, either by himself or any other person, or who sets up or exhibits any sign, symbol, or any emblematic or other representation of a lottery, or of the drawing thereof, or any such writing certificate, bill, token or other device before mentioned, or where the same may be purchased or obtained, or in any way invites or entices, or attempts to invite or entice any other person to purchase or receive the same, shall be punished by fine not exceeding one hundred dollars.

Making or selling fictitious lottery ticket, how punished.

SEC. 4. Whoever makes, sells, or has in his possession with intent to sell, exchange or negotiate, or who by printing, writing, or otherwise, assists in making or selling, or in attempting to sell, exchange or negotiate any false or fictitious lottery ticket, or any share thereof, or any writing, certificate, bill, token, or other device before mentioned, or any ticket or share thereof, in any fictitious or pretended lottery, knowing the same to be false or fictitious, or who receives any money or other thing of value,

for any such ticket or share of a ticket, or for any such writing, certificate, bill, token or other device, purporting that the owner, bearer or holder thereof shall be entitled to receive any prize, or any share of such prize, or any other thing of value that may be drawn in any lottery, knowing the same to be false or fictitious, shall for every such offense be punished by imprisonment in the state prison, not exceeding two years nor less than six months.

SEC. 5. Upon a trial of an indictment for either of the offenses mentioned in the preceding section, any ticket or share of a ticket, or any other writing or thing before mentioned, which the defendant has sold or offered for sale, or for which he has received any valuable consideration, shall be deemed to be false, spurious or fictitious, unless such defendant proves the same to be true and genuine, and to have been duly issued by the authority of some legislature within the United States, and that such lottery was existing and undrawn, and that such ticket or share thereof, or writing or thing before mentioned, was issued by lawful authority, and binding upon the persons who issued the same.

Rule of evidence in trial of offenses under preceding section.

GAMBLING.

1874-1874

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

Gambling prohibited.

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

Gambling, how punished.

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

Betting at gaming table, &c., how punished.

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

Permitting gaming table, &c., to be set up, &c., how punished.

SEC. 10. No person shall be incapacitated or excused from testifying touching any offense committed by another, against any of the provisions of this chapter relating to gambling, by reason of his having bet or played at the prohibited games or gambling devices; but the testimony which may be given by such person shall in no case be used against such witness.

Who not excused from testifying—testimony not to be used against witness.

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

Fines under this chapter recoverable before justice.

RECOVERY OF MONEY OR GOODS LOST BY GAMBLING.

SEC. 12. Whoever by playing at cards, dice or other game, or by betting on the hands or sides of such as are gambling, loses to any person so playing or betting any sum of money or any goods whatever, and pays or delivers the same or any part thereof to the winner, the person so losing and paying or delivering the same, may sue for and recover such money by a civil action, before any court having competent jurisdiction.

Money lost by gambling, may be sued for in civil action.

SEC. 13. All notes, bills, bonds, mortgages or other securities or conveyances whatever, in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice,

Notes, &c., given for money won by gambling, are void, when.

or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any person so gambling or betting, shall be void, and of no effect, as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, and without notice of the illegality of the consideration of such contract or conveyance.

## CHAPTER C.

### OFFENSES AGAINST CHASTITY, MORALITY AND DECENCY.

#### SECTION

1. Adultery, how punished.
2. Polygamy, how punished.
3. Excepted cases.
4. Lewd and lascivious conduct, how punished.
5. Fornication, how punished.
6. Seduction, how punished.
7. Mother concealing death of bastard, how punished.
8. Offense may be inserted in indictment for murder.
9. Keeping house of ill-fame, how punished.
10. Lease of such house void, when.
11. Printing or selling obscene books, how punished.
12. Incest, how punished.
13. Sodomy, how punished.
14. Disturbing public worship, how punished.

#### SECTION

15. Violation of sepulture, how punished.
16. Removing or defacing tomb, &c., how punished.
17. Opening roads through burial grounds, how punished.
18. Cruelty to animals, how punished.
19. Laboring on Sunday, how punished.
20. Sunday shall include, what time.
21. Service of civil process on Sunday, void.
22. Jurisdiction of justice.
23. Selling liquor, goods, &c., within two miles of camp meeting, &c., prohibited.
24. Violation of preceding section, how punished.
25. Exhibiting shows, &c., near religious meeting, how punished.
26. Prosecution for violation of last section shall be commenced, when.

Adultery, how  
punished.  
4 Min. 335.

SECTION 1. Whoever commits the crime of adultery, shall be punished by imprisonment in the state 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.

SEC. 2. If any person who has a former husband or wife living marries another person, or continues 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 state 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.