

GENERAL STATUTES
OF THE
STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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CHAPTER 99.

OFFENSES AGAINST PUBLIC POLICY.

[See, as to repeal, note to c. 93, *ante*. *§§ 34-41, *post*, are independent acts, and not parts of the General Statutes.]

RECOVERY OF MONEY OR GOODS LOST BY GAMBLING.

§ 13. (Sec. 12.) Recovery of money, etc., lost at play.

Where a bet is made, and a stakeholder agreed on, but the property staked is not placed in his hands, he cannot take the property from the loser and deliver it to the winner, unless authorized by the loser otherwise than by the bet. *Franklin v. Stoddart*, 34 Minn. 247, 25 N. W. Rep. 400.

IMPROPER EMPLOYMENT OF, AND CRUELTY TO, CHILDREN.

*§ 34. Prohibited employments—Penalty.

Any person having the care, custody, or control of any child under the age of fourteen years, who shall exhibit, use, or employ for the purposes hereinafter named, or who shall in any manner, or under any pretense, sell, apprentice, give away, or let out, or otherwise dispose of, any such child, to any person, in or for the vocation, occupation, service, or purpose of begging, or as a gymnast, contortionist, rider, or acrobat, in any place whatsoever; or for or in any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever; or for or in any business, exhibition, or vocation injurious to the health, or dangerous to the life or limb, of such child; or who shall cause, procure, or encourage any such child to engage therein,—shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty, nor more than two hundred and fifty, dollars, or by imprisonment in the state prison or county jail for a term not exceeding two years, or by both such fine and imprisonment. Nothing in this section contained shall apply to or affect the employment or use of any such child as a singer or musician in any church, school, or academy, or the teaching or learning the science or practice of music; nor the employment of any child as a musician at any concert or entertainment. (1879, c. 75, § 1.)*

*§ 35. Same.

Every person who shall take, receive, hire, employ, use, exhibit, or have in custody, any child under the age and for any of the purposes mentioned in the preceding section, shall be guilty of a like offense, and be punished by a like punishment as therein provided. (*Id.* § 2.)

*§ 36. Commitment of child to orphan asylum.

When, upon examination before any court or magistrate, it shall appear that any child within the age previously mentioned in this act was engaged or used for or in any business, or exhibition, or vocation, or purpose designated, and as mentioned in this act; and when, upon the conviction of any person having the custody of a child, of a criminal assault upon it, the court or magistrate before whom such conviction is had shall deem it desirable for the welfare of such child that the person so convicted should be deprived of

*“An act for the protection of children within the state of Minnesota.” Approved February 18, 1879.

its custody thereafter,—such court or magistrate may commit such child to an orphan asylum, charitable, or other institution, or make such other disposition thereof as now is or hereinafter may be provided by law, in cases of vagrant, truant, disorderly, pauper, or destitute children. (1879, c. 75, § 3.)

***§ 37. Abuse of children—Penalty.**

Whoever shall willfully cause or permit any child to suffer, or who shall inflict thereon unjustifiable physical pain or mental suffering; and whoever, having the care or custody of any child, shall willfully cause or permit the life of such child to be endangered, or the health of such child to be injured; or who shall willfully cause or permit such child to be placed in such a situation that its life may be endangered, or its health shall be likely to be injured,—shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than ten, nor more than one hundred, dollars, and shall be committed to the county jail until such fine is paid, not exceeding ninety days. (*Id.* § 4.)

***§ 38. Disposition of fines.**

All fines, penalties, and forfeitures imposed and collected in any county in this state, under the provisions of this and of every act passed relating to or affecting children, in every case where the prosecution was instituted or conducted by the Minnesota Society for the Prevention of Cruelty to Animals, or any of its branches, shall inure to such society, in aid of the purposes for which it was incorporated. (*Id.* § 5.)

BOARDING OR ALIGHTING FROM MOVING CARS AND ENGINES.

***§ 39. Boarding moving cars, etc.**

It shall be unlawful for any person, other than passengers or employes, to get on or off, or to swing on or hang on from the outside, of any engine or car upon any railroad, while the same is in motion or switching. (1879, c. 81, § 1.*)

***§ 40. Same—Penalty.**

Any person violating any of the provisions of this act shall be fined in any sum not exceeding ten dollars, of which violations justices of the peace and judges of municipal courts shall have exclusive jurisdiction. (*Id.* § 2.)

***§ 41. Same—Duty of officers.**

It shall be the duty of the police officers of any city, and constable and sheriffs of any town or county, in this state, to arrest persons in the act of violating the provisions of this act, and take them before the proper magistrate and make complaint under oath of such violation, to the end that due punishment may be enforced for such violation. (*Id.* § 3.)

*“An act declaring it unlawful to get on or off railroad cars and engines when in motion or switching, and providing penalties for the violation thereof.” Approved February 18, 1879. Took effect April 1, 1879.