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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

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1851

the consideration of such contract or conveyance; and whenever any mortgage or other conveyance of lands shall be adjudged void under the provisions of this section, such lands enure to the sole use and benefit of such person as would be then entitled thereto if the mortgagor or grantor were dead; and all grants or conveyances for preventing such lands from coming to and devolving upon the person to whose use and benefit the said lands would so enure, shall be deemed fraudulent and of no effect.

CHAPTER 107.

OF OFFENCES AGAINST CHASTITY, MORALITY, AND DECENCY.

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Adultery how punished.

SEC. 1. Every person who shall commit the crime of adultery, shall be punished by imprisonment in the territorial 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 offence.

Polygamy how punished.

SEC. 2. If any person who has a former husband or wife living, shall marry another person, or shall continue 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 territorial 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.

Excepted cases.

SEC. 3. The provisions of the preceding section shall not extend to any person, whose husband or wife shall have been continually remaining beyond sea, or shall have voluntarily withdrawn from the other, and remained absent for the space of seven years together, the party marrying again, not knowing the other to be living within that time; nor to

any person who has been legally divorced from the bonds of matrimony, and was not the guilty cause of such divorce.

SEC. 4. If any man and woman, not being married to each other, shall lewdly and lasciviously cohabit and associate together, or if any man or woman, married or unmarried, shall be guilty of open and gross lewdness and lascivious behavior, every such person shall be punished by fine not exceeding three hundred dollars, nor less than seventy dollars.

Lewd and lascivious cohabitation.

SEC. 5. If any man shall commit fornication with any single woman, each of them shall be punished by imprisonment in the jail, not more than thirty days, or by fine not exceeding thirty dollars.

Fornication how punished.

SEC. 6. Any unmarried man who, under promise of marriage, or any married man, who shall seduce and have illicit connexion with any unmarried female of previous chaste character, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the territorial prison, not exceeding five years, or by imprisonment in a county jail, not exceeding one year; but no conviction shall be had under the provisions of this section, on the testimony of the female seduced, unsupported by other evidence, nor unless indictment shall be found within two years after the commission of the offence: *Provided*, That the subsequent intermarriage of the parties may be plead in bar of a conviction.

Punishment of seduction.

SEC. 7. If any woman shall conceal the death of any issue of her body, which; if born alive, would be a bastard, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, she shall be punished by imprisonment in the territorial prison, not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars.

Mother concealing death of bastard.

SEC. 8. Any woman who shall be indicted for the murder of her infant bastard child, may also be charged in the same indictment, with the offence described in the last preceding section; and if on the trial, the jury shall acquit her of the charge of murder, and find her guilty of the other offence, judgment and sentence may be awarded against her for the same.

Offence described in indictment.

SEC. 9. Every person who shall keep a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment in the territorial prison, not more than one year, nor less than six months, or by fine not exceeding three hundred dollars, nor less than one hundred dollars.

Keeping house of ill fame how punished.

SEC. 10. Whenever the lease of any dwelling house, shall be convicted of the offence mentioned in the next preceding section, the lease or contract for letting such house, shall, at the option of the lessor, become void; and such lessor shall thereupon have the like remedy to recover the possession, as against a tenant for holding over after the expiration of his term.

Lease of such house when void.

SEC. 11. If any person shall import, print, publish sell, or distribute any book, or any pamphlet, ballad, printed paper, or other thing containing obscene language, or obscene prints, pictures, figures, or other descriptions manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school, or place of education, or shall buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be punished by imprisonment in the county jail, not more than six months, or by a fine not exceeding two hundred dollars.

Selling obscene books, &c.

SEC. 12. All persons being within the degrees of consanguinity, within which marriages are prohibited, or declared by law to be incest-

Incest how punished.

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tuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, shall be punished by imprisonment in the territorial prison, not more than two years, nor less than six months.

Sodomy how punished.

SEC. 13. Every person who shall commit sodomy, or the crime against nature, either with mankind or any beast, shall be punished by imprisonment in the territorial prison, not more than five years, nor less than one year.

Disturbing religious worship.

SEC. 14. Every person who, on the Lord's day, or at any other time, shall willfully interrupt or disturb any assembly of people, met for the worship of God, within the place of such meeting, or out of it, shall be punished by fine not exceeding twenty dollars, nor less than five dollars.

Violation of sepulchre.

SEC. 15. If any person not being lawfully authorized, shall willfully dig up, disinter, remove, or convey any human body, or the remains thereof, or shall knowingly aid in such disinterment, removal, or conveying away, every such offender and every accessory thereto, either before or after the fact, shall be punished by imprisonment in the territorial prison, not more than two years, nor less than six months, or by fine not exceeding two hundred dollars.

Injuring or defacing tombs, &c.

SEC. 16. If any person shall willfully, or with evil intent destroy, mutilate, deface, or remove any tomb, monument, grave stone, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection, or for the ornament of any tomb, monument, grave stone, or other structure before mentioned, or of any inclosure for the burial of the dead, or shall willfully, and with evil intent destroy, mutilate, remove, cut, break, or injure any tree, shrub, or plant, placed or being within any such inclosure, the person so offending, shall be punished by a fine not exceeding one thousand dollars, nor less than twenty-five dollars.

Making roads, &c., through burial grounds.

SEC. 17. If any person shall open or make any highway or town way, or shall construct any railroad, turnpike, or canal, or any other thing in the nature of a public easement, over, through, in, or upon such part of any inclosure, being the property of a town, village, or religious society, or of private proprietors, as may be used for the burial of the dead, unless an authority for that purpose shall be specially granted by law, or unless the consent of such town, village, or religious society, or private proprietors respectively, shall be first obtained, he shall be punished by fine not exceeding three hundred dollars, nor less than sixty dollars, or by imprisonment in the territorial prison, not more than one year, nor less than six months.

Cruelty to animals.

SEC. 18. Every person who shall cruelly beat or torture any horse, ox, or other animal, whether belonging to himself or another, shall be punished by imprisonment in the county jail, not more than thirty days, or by fine not exceeding fifty dollars, nor less than five dollars.

Labor prohibited on Sunday.

SEC. 19. No person shall keep open his shop, ware house, or work house, or shall do any manner of labor, business, or work, except only works of necessity and charity, be present at any dancing, or any public diversion, show or entertainment, or take part in any sport, game or play on the Lord's day, commonly called Sunday; and every person so offending, shall be punished by a fine not exceeding two dollars, for each offence.

Sunday what time to include.

SEC. 20. For the purposes of the provisions of the nineteenth section, the Lord's day shall be understood to include the time between the midnight preceding, and the midnight following the said day.

Civil process not to be served on Sunday.

SEC. 21. No person shall serve or execute any civil process from midnight preceding, to midnight following the said Lord's day, but such service shall be void, and the person serving or executing such process

shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process.

SEC. 22. Justices of the peace shall have jurisdiction of the offences mentioned in the fifth, fourteenth, eighteenth, and nineteenth sections of this chapter.

Powers of Justices of the peace under this chapter.

CHAPTER 108.

OF OFFENCES AGAINST THE PUBLIC HEALTH.

SECTION

- 1. Penalty for selling unwholesome provision, &c.
- 2. Penalty for adulterating food, liquors, &c.
- 3. Penalty for adulterating drugs and medicines.

SECTION

- 4. For inoculating with small pox.
- 5. Physician prescribing when intoxicated.
- 6. Apothecary selling arsenic without labeling, &c.

SEC. 1. If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail, not more than six months, or by fine not exceeding five hundred dollars.

Penalty for selling unwholesome provision, &c.

SEC. 2. If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, with any substance injurious to health, he shall be punished by imprisonment in the county jail, not more than one year, or by fine not exceeding two hundred dollars; and the articles so adulterated, shall be forfeited and destroyed.

Penalty for adulterating food, liquors, &c.

SEC. 3. If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such a manner as to render the same injurious to health, he shall be punished by imprisonment in the county jail, not more than one year, or by fine not exceeding three hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.

Penalty for adulterating drugs and medicines.

SEC. 4. If any person shall inoculate himself, or any other person, or shall suffer himself to be inoculated with the small pox, within this territory, with intent to cause the prevalence or spread of this infectious disease, he shall be punished by imprisonment in the territorial prison not more than three years, nor less than one year.

For inoculating with small pox.

SEC. 5. If any physician or other person, while in a state of intoxication, shall prescribe any poison, drug or medicine, to another person, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars.

Physician prescribing when intoxicated.

SEC. 6. Every apothecary, druggist, or other person who shall sell and deliver any arsenic, corrosive sublimate, prussic acid, or any other active poison, without having the word "poison" and the true name thereof, in English, written or printed, upon a label attached to the vial, box, or parcel containing the same, shall be punished by a fine not exceeding one hundred dollars.

Apothecary selling arsenic without labeling.