

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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§ 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 XCVIII.

OFFENCES AGAINST THE PUBLIC PEACE.

SECTION.

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SECTION.

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§ 1. **Unlawful assemblies, how dispersed.** If any persons, to the number of twelve or more, any of whom being armed with any dangerous weapons, or if any persons to the number of thirty or more, whether armed or not, are unlawfully, riotously or tumultuously assembled in any city, town or county, it shall be the duty of the mayor and each of the aldermen of such city, and of the president and each of the trustees of such town, and of every justice of the peace living in such city or town, and of the sheriff of the county and his deputies, and also of every constable and coroner living in such city or town, to go among the persons so assembled, or as near them as may be with safety, and, in the name of the state of Minnesota, to command all the persons so assembled immediately and peaceably to disperse; and if the persons so assembled shall not thereupon immediately and peaceably disperse, it shall be the duty of each of the magistrates and officers to command the assistance of all persons there present in seizing, arresting, and securing in custody the persons so unlawfully assembled, so that they may be proceeded with according to law.

§ 2. **Same—persons refusing to assist, etc.** Whoever, being present and commanded, by any of the magistrates or officers mentioned in the preceding section, to aid or assist in seizing and securing such rioters or persons so unlawfully assembled, or in suppressing such riot or unlawful assembly, refuses or neglects to obey such command, shall be deemed to be one of the rioters or persons unlawfully assembled, and shall be liable to be prosecuted therefor, and punished accordingly.

§ 3. **Same—officers neglecting to exercise their authority.** If any mayor, alderman, president, trustee, justice of the peace, sheriff, constable or coroner, having notice of any such rioters or tumultuous and unlawful assembly as is mentioned in this chapter, in the city, town or county in which he lives, neglects or refuses immediately to proceed to the place of such assembly, or as near thereto as he can with safety, or neglects or omits to exercise the authority with which he is invested by this chapter for suppressing such riotous or unlawful assembly, and for arresting and securing the offenders, he shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding three hundred dollars.

§ 4. **Same—officers may use force, etc.** If any persons who shall be so riotously and unlawfully assembled, and who have been commanded to disperse as before provided, refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers before mentioned may require the aid of a sufficient number of persons, in arms or otherwise, as may be necessary, and shall proceed, in such manner as in their judgment is expedient, forthwith to disperse and suppress such unlawful, riotous or tumultuous assembly, and seize and secure the persons composing the same, so that they may be proceeded with according to law.

§ 5. **Same—armed force to obey civil officers.** Whenever an armed force is called out for the purpose of suppressing any tumult or riot, or dispersing any body of men acting together by force, with intent to commit any felony, or to offer violence to persons or property, or with intent, by force or violence, to resist or oppose the execution of the laws of this state, such armed force, when they arrive at the place of such unlawful, riotous or tumultuous assembly, shall obey such orders for suppressing the riot or tumult, and for dispersing and arresting all the persons who are committing any of the said offences, as they have received from the governor, or from any judge of the court of record, or the sheriff of the county, and also such further orders as they there shall receive from any two of the magistrates or officers mentioned in the first section.

§ 6. **Same—Officers, not liable for death of rioters—liability of rioters.** If, by reason of any of the efforts made by any of the said magistrates or officers, or by their direction, to disperse such unlawful, riotous or tumultuous assembly, or to seize and secure the persons composing the same who have refused to disperse,

though the number remaining may be less than twelve, any such person or other persons then present as spectators, or otherwise, are killed or wounded, the said magistrates and officers, and all persons acting by their order, or under their direction, shall be held guiltless and fully justified in law; and if any of the said magistrates or officers, or any person acting by their order or under their direction, are killed or wounded, all the persons so unlawfully, riotously and tumultuously assembled shall be held answerable therefor.

§ 7. **Same—destruction of property by rioters.** If any of the persons so unlawfully assembled, demolish, pull down or destroy any dwelling-house, or any other building, or any shop, steamboat or vessel, he shall be punished by imprisonment in the state prison not more than seven years, nor less than three years, or by fine not exceeding one thousand dollars, in the discretion of the court. (*As amended 1872, c. 74, § 1.*)

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*§ 8. **Charivaris, etc—form of complaint, etc.** If any persons, to the number of three or more, shall assemble at or near any occupied dwelling-house, and shall there make any noise or disturbance, by discharging fire-arms, beating drums, blowing horns, shouting or by any other means, with intent to annoy any inmate or inmates of such dwelling-house, or to give any inmate or inmates thereof a charivari, commonly called "horning," every person so offending shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than ninety days, or by fine not exceeding one hundred dollars; and in any complaint or indictment for such offence, it shall not be necessary to set forth the names of the persons associated in the commission of the offence with the person or persons charged, but it shall be sufficient to describe such associates as divers persons to the complainant, or to the grand jury, as the case may be, unknown. (*1876, c. 54, § 1.*)

*§ 9. **Fighting in public places—penalty.** If any person, not being armed with a dangerous weapon, shall wilfully engage in any fight with any other person or persons in any public street, highway, alley or lane, or in any public hall, or in any inn, tavern, hotel, saloon, post-office, or other place of public resort, every person so offending shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than sixty days, nor less than ten days, or by fine not exceeding one hundred dollars, nor less than five dollars. (*Id. § 2.*)

*§ 10. **Disturbing schools, meetings, etc—penalty—exception of pupils.** If any person shall in any manner wilfully interrupt or disturb any school while in session, or any meeting of any debating, social or other club or society, or any lawful assembly of the people, such person so offending shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than ninety days, nor less than ten days, or by fine not exceeding one hundred dollars, nor less than five dollars: *provided*, that the provisions of this section respecting the interruption or disturbance of any school shall not apply to any pupil in, and subject to the discipline of such school. (*Id. § 3.*)