

GENERAL STATUTES ³⁶
OF THE
STATE OF MINNESOTA

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.

ST. PAUL:
WEST PUBLISHING CO.
1888.

CHAPTER 96.

FORGERY AND COUNTERFEITING.

[See note to c. 93, *ante.*]

§ 10. Intent to defraud—Sufficiency of allegation.

The intent to defraud mentioned in Gen. St. 1878, c. 39, § 14, is an intent to defraud the mortgagee therein named. Such intent is an essential ingredient of the offense defined by that section, so that an indictment under it, alleging no intent to defraud except one to defraud some other person than the mortgagee, is fatally defective. Such defect is not reached by this section. *State v. Ruhnke*, 27 Minn. 309, 7 N. W. Rep. 264.

CHAPTER 98.

OFFENSES AGAINST THE PUBLIC PEACE.

[See, as to repeal, note to c. 93, *ante.* *§§ 11-16 are independent acts, and not parts of the General Statutes.]

§ 7. Destruction of property by rioters—Penalty.

The defendants were indicted and arraigned, under this section, for pulling down and destroying a dwelling-house. § 7 was subsequently amended by § 1, c. 74, Laws 1872. Held, that the defendants could not thereafter be convicted or punished either under this section, or § 1, c. 74, Laws 1872. *State v. McDonald*, 20 Minn. 136, (Gil. 119.)

*§ 11. Use of abusive or obscene language—Penalty.

Any person who shall use, in reference to and in the presence of another, or in reference to or in the presence of any member of the family of another, abusive or obscene language, intended or naturally tending to provoke an assault, or any breach of the peace, shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars. (1881, c. 134, § 1.*)

As to the sufficiency of the complaint, see *Peters v. State*, (Wis.) 28 N. W. Rep. 138. See, also, *Moore v. State*, (Ark.) 6 S. W. Rep. 17.

*§ 12. Disorderly conduct in public conveyance—Penalty.

Any person who shall willfully, by any offensive or disorderly act or language, annoy or interfere with the passengers of any public stage, railroad car, ferry-boat, or other public conveyance, or who shall willfully disturb or annoy the occupants or passengers of such public stage, car, ferry-boat, or other public conveyance, by any disorderly act, language, or display, although such act, conduct, or display may not amount to assault or assault and battery, shall be deemed guilty of a misdemeanor, and such person so offending, upon conviction before any municipal court, police court, or justice of the peace of the county in which such act or offense was committed, shall be punished by fine not exceeding fifty dollars, and costs of prosecution, and in de-

*"An act to prevent the use of language calculated to cause a breach of the peace." Approved February 18, 1881.

fault of payment thereof may be imprisoned for a period not exceeding sixty days. (1881, c. 153, § 1.)*

***§ 13. Same—Authority of conductor to arrest, etc.**

Any conductor of any railroad train may arrest, with or without warrant, any person whom he shall see or find in the act of committing any offense mentioned in this act, and may take such offender before any magistrate of the county where the offense was committed, there to be dealt with according to law; or such conductor may take such offender to the railroad station next after the place of such arrest, and there deliver such offender to any sheriff, constable, or police officer, or railroad station agent, to be by such station agent taken before any magistrate in the county where the offense was committed, there to be dealt with according to law; or such station agent may forthwith deliver such offender to any sheriff, constable, or police officer, to be by him taken before any such magistrate and dealt with according to law; and for the purpose of executing the powers of this act, such railroad conductor, station agent, and officers aforesaid shall possess the powers in all respects possessed by sheriffs, constables and police officers with warrants, including the power to summon assistance. (*Id.* § 2.)

***§ 14. Railway cars—Profanity and fire-arms prohibited.**

That no person shall use any profane, vulgar, or indecent language, or fire off any fire-arms, while being on any horse, steam, or other railway car in this state. (1881, c. 137, § 1.†)

***§ 15. Same—Penalty.**

That any person who shall use any profane, vulgar, or indecent language, or fire off any fire-arms, while being on any horse, steam, or other railway car in this state, shall be guilty of a misdemeanor, and shall be fined for each such offense, when convicted thereof, not to exceed the sum of twenty-five dollars and costs of prosecution. (*Id.* § 2.)

***§ 16. Offenses on street cars—Penalty.**

Whoever, being requested by an employe of a street-railroad company, or of the person operating such road, to desist from smoking on or in any street car, fails immediately to do so, or uses obscene, profane, or indecent language, or engages in a quarrel on or in such car; or whoever, without permission, takes a dog on or in such car; or fails, on demand, to pay the proper fare on or in such car, by delivering the money or a ticket, or by depositing the same in a fare-box, as he may be required by any such employe,—shall be fined in any sum not exceeding ten dollars, with costs of suit, and be imprisoned until the fine and costs are paid: *provided* that, on demand of such fare, the person of whom such demand is made, may immediately leave the car instead of paying such fare. (1881, *Ex. Sess.*, c. 78, § 1.‡)

*"An act to repress and punish disorderly conduct on public conveyances." Approved February 18, 1881.

†"An act to punish rowdyism on railway cars." Approved March 7, 1881.

‡"An act to punish offenses on street cars." Approved November 17, 1881.