

THE
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

COMPILED AND EDITED BY
HENRY B. WENZELL, Assisted by EUGENE F. LANE

WITH ANNOTATIONS BY
FRANCIS B. TIFFANY and Others

AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL
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CHAPTER 95.

OFFENSES AGAINST PROPERTY.

1. Enacted before the Penal Code, §§ 6862-6903.
2. Enacted since the Penal Code, §§ 6904-6929.

By Penal Code, § 541 (ante, § 6851), cc. 93 to 101 (both inclusive), G. S. 1878, "and all acts and parts of acts which are inconsistent with the provisions of this act are repealed so far as they define any crime or impose any punishment for crime, except as herein provided." But, by § 540 (ante, § 6850), "all statutes defining and providing for the punishment of offenses not defined and made punishable by this code * * * are recognized as continuing in force notwithstanding the provisions of this code, except so far as they have been repealed or affected by subsequent laws."

By § 542 (ante, § 6852), the Penal Code, when construed in connection with other statutes, "must be deemed to have been enacted on the sixth day of January, 1885, so that any statute enacted after that day is to have the same effect as if it had been enacted after this code."

[TITLE 1.]

[ENACTED BEFORE THE PENAL CODE.]

§ 6862. Obstructing the putting out of fire, etc.

Whoever, within twenty-four hours prior or during the burning of a building or other property, wilfully and maliciously cuts or removes any bell-rope or telegraph wire in the vicinity of such building or property, or otherwise prevents an alarm being given, or cuts, injures or destroys an engine or hose, or other fire apparatus, in said vicinity, or otherwise wilfully and maliciously prevents or obstructs the extinguishing of any fire, shall be deemed guilty of the burning as accessory after the fact, and be punished by imprisonment in the state prison not exceeding seven years, or in jail not exceeding three years, or by fine not exceeding one thousand dollars.

(1874, c. 49, § 1; G. S. 1878, c. 95, § 9.)

See, also, §§ 6631, 6760.

§ 6863. Penalty for stealing at fires.

Whoever steals in a building that is on fire, or steals any property removed in consequence of an alarm caused by a fire, shall be punished, if the value of the property exceeds the sum of one hundred dollars, by imprisonment in the state prison not exceeding five years, or fine not exceeding five hundred dollars; where the value of such property is one hundred dollars or less, by imprisonment in the county jail not exceeding two years, or by fine not exceeding two hundred dollars.

(1874, c. 49, § 2; G. S. 1878, c. 95, § 10.)

§ 6864. Inquiry into supposed incendiarism—Proceedings.

When property is destroyed by fire, and a complaint, within thirty days thereafter, is subscribed and sworn to by any person before any justice [police] court, or any municipal court, or any justice of the peace, alleging that reasonable grounds exist for believing that the fire was caused by design; and the mayor and chief engineer of fire department, or a majority of the aldermen or selectmen of the city or town, respectively, in which said property is situated, certify in writing that in their opinion the same is a proper case for investigation, such court or justice shall forthwith issue a warrant to the constable of the place where the property was destroyed, requiring him forthwith to summon six good and lawful men of the county to appear before the court or justice, at a time and place expressed in the warrant, to inquire when and by what means the fire originated, which-

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warrant shall be served and returned in the manner prescribed by the General Statutes of the state of Minnesota for the service and return of other warrants; and the constable and jurors shall be subject to the penalties therein specified for similar neglect. If any person so summoned does not appear, the constable shall, by order of the justice or court, return some person from the bystanders to complete the number.

(1874, c. 49, § 3; G. S. 1878, c. 95, § 11.)

§ 6865. **Same—Oath of jurors.**

The justice or court shall, in view of the spot on which the property was destroyed, administer to the persons thus summoned or returned the following oath: You solemnly swear that you will diligently inquire and true presentment make in behalf of the state of Minnesota, when and by what means the fire which has here occurred was caused, and that you will return a true inquest according to your knowledge, and such evidence as shall be laid before you. So help you God.

(1874, c. 49, § 4; G. S. 1878, c. 95, § 12.)

§ 6866. **Same—Witnesses may be subpoenaed.**

The justice or court may issue subpoenas for witnesses, returnable forthwith at a time and place therein set forth. Their attendance may be enforced in like manner as if they had been subpoenaed in behalf of the state of Minnesota.

(1874, c. 49, § 5; G. S. 1878, c. 95, § 13.)

§ 6867. **Same—Oath of witnesses.**

An oath to the following effect shall be administered to such witnesses: You solemnly swear that the evidence which you shall give to the inquest concerning the origin of the fire of which inquiry is now to be made, shall be the truth, the whole truth, and nothing but the truth. So help you God.

(1874, c. 49, § 6; G. S. 1878, c. 95, § 14.)

§ 6868. **Same—Testimony, how taken.**

The testimony shall be reduced to writing by the presiding justice, or some person by his direction, and subscribed by the witnesses.

(1874, c. 49, § 7; G. S. 1878, c. 95, § 15.)

§ 6869. **Same—Inquisition of jury—Filing.**

The jury, after hearing the testimony and making all needful inquiry, shall draw up and deliver to the justice or court their inquisition under their hands, in which they shall find and certify when and by what means the fire was caused; and said inquisition and testimony, thus subscribed, shall, within one week thereafter, be filed by the magistrate with the clerk of the district court for the county.

(1874, c. 49, § 8; G. S. 1878, c. 95, § 16.)

§ 6870. **Same—Process to arrest person charged.**

If any person is charged by the inquest with having wilfully and maliciously caused said fire, and such person is not in custody, the justice or court before whom such inquisition is holden, shall issue process forthwith for his apprehension; and such warrant shall be made returnable before [any] justice or court having jurisdiction of the case, who shall proceed therein in the same manner as required by justice or court in case of felony.

(1874, c. 49, § 9; G. S. 1878, c. 95, § 17.)

§ 6871. **Same—Fees and expenses.**

The fees of the magistrate and the expenses of the inquisition shall be the same as required for coroners' inquests.

(1874, c. 49, § 10; G. S. 1878, c. 95, § 18.)

§ 6872. **Stolen property to be restored to owner—Exception.**

The officer who arrests any person charged as a principal or accessory in any robbery or larceny shall use reasonable diligence to secure the property alleged to be stolen, and, after seizure, shall be answerable for the

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same; and he shall annex a schedule thereof to his return of the warrant; and, upon conviction of the offender, the stolen property shall be restored to the owner: provided, that when such property, alleged to be stolen, is held by such officer, and is by the county attorney of the proper county deemed necessary to be used as evidence upon the trial or examination of the person charged with the larceny, the said officer arresting such person charged shall, upon demand thereof by such county attorney, deliver such property alleged to be stolen into the possession of such county attorney, and take his receipt therefor; and such county attorney shall thereupon hold such alleged stolen property, and be answerable for the same, in the place of such sheriff, and, upon conviction of the offender, shall restore the stolen property to the owner.

(G. S. 1866, c. 65, § 21, as amended 1867, c. 86, § 1; G. S. 1878, c. 95, § 31.)

§ 6873. False representations concerning title to land.

Whoever falsely and fraudulently represents that he is the owner of any parcel of land or tract of land to which he has no title, and executes any deed of the same, with intent to defraud any person whatever, shall be punished by imprisonment in the state prison not more than two years, nor less than six months.

(G. S. 1866, c. 95, § 40; G. S. 1878, c. 95, § 51.)

§ 6874. Malicious injury to monuments, signs, etc.

Whoever wilfully and maliciously breaks down, injures, removes or destroys [any monument erected for the purpose of designating the boundaries of any tract or lot of land, or any tree marked for that purpose, or so breaks down, injures, removes or destroys any milestone, mile board, or guide board, erected upon any highway or other public way, turnpike, railroad, or plank-road, or wilfully or maliciously defaces or alters the inscription on any such stone or board], or wilfully or maliciously mars or defaces any building, or any sign-board, or extinguishes any lamp, or breaks, destroys or removes any lamp or lamp-post, or any railing or post, erected on any bridge, sidewalk, street, highway, court or passage, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not more than six months.

(G. S. 1866, c. 95, § 44; G. S. 1878, c. 95, § 56.)

That part of the section within brackets, being inconsistent with § 480 of the Penal Code (§ 6780, ante), appears to be repealed, without repealing the remainder of the section. See Pen. Code, § 541 (ante, § 6851).

§ 6875. Wilful false branding of animals.

Whoever wilfully marks any of his horses, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same county, and while the same mark is used by such resident, shall forfeit for every such offense five dollars, to be recovered before any justice of the peace of such county; whoever wilfully marks or brands the horses, cattle, sheep or hogs of any other person with his own brand or mark, shall forfeit for every such offense not less than ten nor more than fifty dollars, to be recovered before any justice of the peace of the proper county; and whoever wilfully destroys or alters any mark or brand upon any horses, cattle, sheep or hogs, the property of another, shall, on conviction thereof before any justice of the peace, forfeit and pay for every such offense a sum not less than ten nor over fifty dollars, and shall moreover pay to the party injured double damages.

(G. S. 1866, c. 95, § 49; G. S. 1878, c. 95, § 66.)

§ 6876. Smoking in buildings where notice is posted— Defacing notices.

No person shall enter any mill, machine-shop, stable or other building, having with him a lighted pipe or cigar, or shall light or smoke any pipe or cigar therein, under a penalty of ten dollars: provided, that a notice, in plain, legible characters, is kept posted up in a conspicuous position over or near each principal entrance to such building or place of entrance, that no

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smoking is allowed therein. And if any person shall deface, destroy or remove any such notice, he shall forfeit and pay ten dollars for each offense. (1866, c. 34, § 1; G. S. 1878, c. 95, § 73.)

§ 6877. Same—Penalties, how enforced.

Any penalty incurred under the provisions of this act shall be recoverable before any justice of the peace of the town wherein the offence is committed, for the benefit of said town, upon the written complaint on oath of any person showing the commission of any such offence, in an action wherein such town shall be plaintiff. Such action shall be commenced by summons, and shall be prosecuted in the same manner as civil actions.

(1866, c. 34, § 2; G. S. 1878, c. 95, § 74.)

§ 6878. Meandered lakes, etc., not to be drained.

No person or persons shall drain or attempt to drain any lake, pond or body of water in this state which has been meandered, and metes and bounds established, by the government of the United States, in the survey of the public lands.

(1867, c. 40, § 1; G. S. 1878, c. 95, § 75.)

See § 7792.

§ 6879. Draining meandered lakes—Penalty—Civil liability.

Any person or persons who shall drain or cause to be drained, or shall attempt to drain in any manner, any lake or lakes, pond, or bodies of water which shall have been meandered by the survey of the United States government, shall be considered guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars, and not exceeding five thousand dollars, and shall be also liable in a civil action for all damages sustained by private individuals by reason of such draining or attempting to drain any of the lakes, ponds, or bodies of water aforesaid: *provided*, that the provisions of this act shall not prevent the reasonable use of said lakes, ponds, or bodies of water as reservoirs for the benefit of any kind of milling or manufacturing establishment, or for the purpose of driving logs, or for supplying any incorporated town or city with water: *and provided, further*, that none of the provisions of this or the foregoing section shall apply to any case when the board of county commissioners drain any such lake under the provisions of chapter one hundred and eight of the General Laws of eighteen hundred and eighty-three.

(1867, c. 40, § 2; G. S. 1878, c. 95, § 76; as amended 1885, c. 28.)

See, as to application of §§ 6878, 6879, to subsequent drainage legislation, *Dowlan v. County of Sibley*, 36 Minn. 430, 31 N. W. Rep 517.

§ 6880. Removing property from mortgaged real estate.

That no mortgagor or other person shall remove any building, fixture or fence, situate or being upon any real estate on which real estate any mortgage or mechanic's lien exists, either before or after the foreclosure of such mortgage, or sale in satisfaction of such lien, to the prejudice of any holder of such mortgage or lien, and with the intent to impair or lessen the value of such mortgage or lien, without first having procured the consent of the person owning or holding such mortgage or lien. Any person offending against the provisions of this section shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment.

(1869, c. 64, § 1; G. S. 1878, c. 95, § 77.)

See §§ 6749, 6750, as to concealment and sale of mortgaged personal property.

§ 6881. Same—Court may order same replaced—May award damages.

Whenever any person shall remove any building, fixture or fence, in violation of the provisions of the first section of this act, from any real estate upon which there is a mortgage or lien, the district court of the county in

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which such real estate is situate shall have power to order such building, fixture or fence to be restored and replaced upon such real estate, and may compel the same by attachment and punishment as for contempt, and may, in the same action, give damages for such removal.

(1869, c. 64, § 2; G. S. 1878, c. 95, § 78.)

§ 6882. Injury to sheep, etc., by dogs—Owner's liability.

The owner or possessor of any dog that shall kill, wound, or worry any sheep or lamb or other domestic animal or animals, including poultry, shall be liable for the value of such sheep or lamb, or other domestic animal or animals, including poultry, to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him, that his dog was mischievous, or disposed to kill sheep.

(1873, c. 21, § 1; G. S. 1878, c. 95, § 79; as amended 1885, c. 126, § 2.)

§ 6883. Same—Penalty for keeping dog—Disposition of fine.

Any person keeping or harboring a dog or dogs that has bitten or worried any sheep or lambs, or other domestic animal or animals, including poultry, and having been notified of such fact, shall be liable to pay a fine of five dollars per day for every day thereafter that he shall keep, harbor, or permit such dog or dogs to remain in or about his premises. Such fine, when collected, shall be paid over to the county treasurer of the county, for the benefit of the common-school fund of the county.

(1873, c. 21, § 2, as amended 1874, c. 51, § 1; G. S. 1878, c. 95, § 80; 1885, c. 126, § 2.)

§ 6884. Lawful to kill dogs injuring sheep.

It shall be lawful for any person to kill or cause to be killed any dog which has been or shall be found injuring, fretting, or killing any lambs or sheep within this state; and any sheep-owner or person in his employ may kill or cause to be killed any dog found on his premises on which sheep are kept, not under the restraint or control of the owner or other person, without incurring penalty for such act.

(1867, c. 35, § 1; G. S. 1878, c. 95, § 81; as amended 1885, c. 126, § 3.)

§ 6885. Penalty for injuring or obstructing railroads.

Whoever shall wilfully and maliciously obstruct the passage of any carriage upon any railroad, or in any way injure such road or anything appertaining thereto, or any materials or implements for the construction and use thereof, and whoever shall be aiding and abetting in such trespass, shall forfeit to the use of the corporation, for every such offence, treble the amount of the damages which shall appear on the trial to have been sustained thereby.

(1868, c. 57, § 1; G. S. 1878, c. 95, § 54.)

See §§ 6772, 6855, 6856, 6886-6892.

§ 6886. Breaking down railroad gates, fences, etc.

That it shall be unlawful for any person, without lawful authority, to break down or carry away any part of any fence, bars or gates, or plank used for a crossing over any railroad track, or to break down, destroy or injure any hedge, ditch, or other structures used or intended as a fence to enclose any railroad track.

(1877, c. 98, § 1; G. S. 1878, c. 95, § 84.)

See § 6772.

§ 6887. Leaving railroad gates, etc., open.

It shall be unlawful for any person using any gate or bars, or opening the same for any purpose, at any railroad crossing, to permit any animal to stray upon any railroad track or right of way enclosed, or to leave such bars down or gate open so that animals might stray or go upon such rail-

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road track, or to lead, drive or turn upon such track any animal, for the purpose of grazing, or any other purpose.

(1877, c. 98, § 2; G. S. 1878, c. 95, § 85.)

§ 6888. Penalty for violating last two sections.

That any person guilty of offending against the provisions of the first and second sections of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten [dollars], nor more than fifty dollars, for each offence, and shall also be adjudged, in case such fine is not then and there paid, to be imprisoned for a time, to be designated by the court, of not exceeding thirty days, in the common jail of the county.

(1877, c. 98, § 3; G. S. 1878, c. 95, § 86.)

§ 6889. Railroad company not liable when gate lock furnished.

Whenever any gate shall be erected by any railroad company at any farm crossing, for the exclusive use of any owner of land, such company may provide a lock for the same, and deliver the key to such owner, or the tenant or the occupant of such land; and if such gate shall thereafter be opened, whereby cattle or other animals shall get upon such railroad track, and be injured or killed, unless maliciously or wantonly done by such railroad company or its employes, such company shall not be liable to the owner of such injured animals for such damage.

(1877, c. 98, § 4; G. S. 1878, c. 95, § 87.)

The provision for furnishing locks is permissive, and not mandatory. *Sather v. Chicago, M. & St. P. Ry. Co.*, 40 Minn. 91, 41 N. W. Rep. 458.

§ 6890. Walking or riding on railroad bridges.

It shall be unlawful for any person, without authority, on foot or with any animal or vehicle, to enter upon any railroad bridge or trestle in this state; and any person violating the provisions of this section shall be liable to pay a fine not more than fifty dollars, or to be imprisoned in the county jail not more than sixty days.

(1877, c. 98, § 5; G. S. 1878, c. 95, § 88.)

§ 6891. Malicious injury to railroads.

It shall be unlawful for any person, without authority, to take away, loosen, displace, cut, break or injure any part of any [railroad track, bridge, trestle,] locomotive, car, or any railroad machinery or appurtenances; and any person violating the provisions of this section shall be liable to a fine of not more than one thousand dollars, or to be imprisoned in the state prison not more than one year, and, in addition, shall be liable to damages in favor of the company injured for any damage caused by any of said acts; or in case death or injury to any person is caused by the commission of any of the unlawful acts named in this section, the party offending, on conviction, shall be punished as provided by law for unlawfully or maliciously causing death, or such injury as may so occur to any person.

(1877, c. 98, § 6; G. S. 1878, c. 95, § 89.)

That part of the section within brackets, being inconsistent with § 476 (ante, § 6772) of the Penal Code, appears to be repealed, without repealing the remainder of the section. See Pen. Code, § 541 (ante, § 6551).

§ 6892. Same—Presumption of malice.

Any person offending against any of the provisions and sections of this act shall be deemed to have acted wilfully, maliciously, and without authority, unless he be an officer, or employe, or person acting under the authority, of the railroad company operating any such road, acting in the proper discharge of his duties.

(1877, c. 98, § 7; G. S. 1878, c. 95, § 90.)

§ 6893. Wilful injury to property, how punished.

Any person who wilfully, carelessly or negligently, regardless of the safety or rights of others, injures another [or destroys, injures or damages the property of another person,] without legal excuse or justification, shall be deemed guilty of a misdemeanor, and be punishable by fine or imprisonment,

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or both, in the discretion of the court or justice of the peace having jurisdiction thereof; but this act shall not be construed as applying to any such act which is already declared an offence by any statute or law now existing in this state.

(1877, c. 135, § 1; G. S. 1878, c. 95, § 91.)

That part of the section within brackets, being inconsistent with the provisions of §§ 476-491, Penal Code (§§ 6772-6791, ante), appears to be repealed, without repealing the remainder of the section. See Pen. Code, § 541 (ante, § 6851).

§ 6894. Willful injury to buildings—Penalty.

Whoever shall willfully damage or disfigure in any manner any part or parts of any building, or throw any stones or other missile at, or break, any window glass of any building, and whoever shall aid, counsel, hire, or procure any person so to do, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by fine not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than five days nor more than three months, or by both such fine and imprisonment, in the discretion of the court.

(1881, Ex. S. c. 74, § 1; G. S. 1878, v. 2, c. 95, § 91a.)

§ 6895. Willful or careless injury to baggage, etc.—Penalty.

If any person employed by a railroad or other corporation of this state, or if any express agent, stage driver, drayman, hackman, or other person who handles, or whose duty it is to handle, remove, or take care of trunks, valises, boxes, packages, parcels, or other baggage, shall, while handling, loading, transporting, unloading, delivering, or storing such property, willfully, wantonly, or carelessly break, injure, or destroy the same, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars, with costs of prosecution, and, in default of payment of such fine and costs, shall be imprisoned in the county jail not more than ninety and not less than twenty days.

(1883, c. 120, § 1; G. S. 1878, v. 2, c. 95, § 91b.)

§ 6896. Canada thistles, burdocks, etc., a common nuisance.

That the weed known as Canada thistle, burdock and wild mustard, or burdocks or wild mustard, is hereby declared to be a common nuisance for all the purposes of this act.

(1872, c. 38, § 1; G. S. 1878, c. 95, § 92; as amended 1883, c. 35.)

§ 6897. Same—Penalty for allowing them to grow.

Any person or persons owning any lands within this state, or occupying or having control of any lands, whether within the plat of towns, villages, or cities, or otherwise, within this state, knowingly permitting or suffering any Canada thistle or thistles, burdock and wild mustard, or burdocks or wild mustard, to go to seed upon any land or lands thus owned, occupied, or under the control of such person or persons, shall be deemed guilty of maintaining and supporting a common nuisance, and, upon conviction thereof in any court having competent jurisdiction of the offense, shall be punished by fine not exceeding fifty dollars, nor less than five dollars; said fine to go into the town treasury where such thistle or thistles are permitted to grow.

(1872, c. 38, § 2; G. S. 1878, c. 95, § 93; as amended 1883, c. 35.)

§ 6898. Canada thistles, etc.—Penalty for neglect to destroy—Duties of town supervisors—Defrayment of expenses.

In case any person or persons, railroad company or other incorporation, owning or occupying any lands within this state, or having any lands within this state under his or her or their control, as the case may be, shall refuse or

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neglect to destroy any Canada thistle or thistles, burdock and wild mustard, or burdocks or wild mustard, growing or standing upon any land or lands so owned, occupied, or controlled, it shall be the duty of the town supervisors, or other person or persons having control of the public highways, streets, or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed, and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or incorporation owning, occupying, or controlling the land or lands upon which such thistle or thistles was destroyed; and the person or persons or corporation owning, occupying, or having control of such lands, shall be liable in a civil action for the amount so charged against them, and costs of suit: *provided*, that if any supervisor or other person having authority under this act shall have destroyed or caused to be destroyed any such thistles under such authority, and is unable to find the owner of the land, or is unable to collect such money, the same shall be paid by the authorities of the town, village, or city where such thistles were destroyed, and the amount so paid shall, on filing with the register of deeds of the proper county a statement of the amount necessarily paid, with a description of the land wherein the said thistles were destroyed, and the name of the owner thereof, if it can be ascertained, duly verified as true and correct by the officer under whose direction the said articles were destroyed, be and constitute a lien in favor of the town or municipal corporation so paying for such labor on the said land to the amount of the sum so paid, and the costs of recording the same. Any town or municipal corporation holding a lien under the provisions of this section may proceed to obtain judgment for the amount of said lien, costs, and interest, and enforce the same in the same manner as actions for the foreclosing of mortgages upon real estate, and said lien may be released of record by a certificate, stating that the same has been satisfied in full, by the clerk of said town or corporation: *and provided further*, that in case any railroad company becomes chargeable under the provisions of this section, the supervisors of the township where the same has become chargeable may certify to the same to the county attorney of their county, whose duty it shall be to bring and prosecute a civil action against the railroad company for the amount so charged and costs of suits aforesaid.

(1872, c. 38, § 3; G. S. 1878, c. 95, § 94; as amended 1883, c. 35; 1887, c. 57.)

§ 6899. **Same—Prosecution before justice of peace—Duty of every person to destroy thistles.**

Justices of the peace shall have jurisdiction, within their respective counties, of all violations of the provisions of this act; and it shall be competent for any person to complain of and prosecute any person or persons, railroad company, or other corporation violating the same; and it is hereby made the duty of every person having knowledge of any Canada thistle or thistles, burdock and wild mustard, or burdocks or wild mustard, growing or standing upon the land of another, to immediately destroy the same, or give the person owning or occupying such lands immediate notice thereof.

(1872, c. 38, § 4; G. S. 1878, c. 95, § 95; as amended 1883, c. 35.)

§ 6900. **Same—Fines to go to town treasury.**

All fines collected by any justice of the peace or any other person, under the provision of this act, shall be paid into the treasury of the proper town, village or city, within ten days after the same is collected.

(1872, c. 38, § 5; G. S. 1878, c. 95, § 96.)

§ 6901. **Same—Appeal to district court.**

Any person fined under the provisions of this act, feeling himself aggrieved, may appeal to the district court of the proper county, in the same

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manner and within the same time that appeals are allowed by law in justice court in other criminal actions.

(1872, c. 38, § 6; G. S. 1878, c. 95, § 97.)

§ 6902. Penalty for picking cranberries before September first.

That if any person shall hereafter pick or gather cranberries on lands other than his own, in this state, before the first day of September in any year, such person shall be fined in the sum of ten dollars for each offence so committed.

(1871, c. 31, § 1, as amended 1876, c. 97, § 1; G. S. 1878, c. 95, § 98.)

§ 6903. Same—Prosecutions—Disposition of fines.

All prosecutions under the provisions of this act shall be commenced within six months from the time such offence is committed, and the same shall be upon complaint, under oath, before any justice of the peace in the county where the offence is committed; and all fines imposed and collected under this act shall be paid, one-half to the complainant, and one-half into the treasury of the county where such conviction takes place, for the use of the common schools within such county.

(1871, c. 31, § 2; G. S. 1878, c. 95, § 99.)

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See § 6852.

§ 6904. Dogs declared personal property.

All dogs owned or kept by any person for domestic or personal use, or for pleasure, are hereby declared to be personal property, within the purview and meaning of the criminal laws of this state, and the laws of this state relating to larceny and malicious mischief or injury shall be construed to embrace and apply to said animals.

(1885, c. 177; G. S. 1878, v. 2, c. 95, § 100.)

Laws 1881, Ex. S. c. 82, was repealed by Laws 1883, c. 109.

§ 6905. Obtaining false certificate of registration of animals.

That every person who by any false pretense shall obtain from any club, association, society, or company for the improvement of the breed of cattle, horses, sheep, swine, fowls, or other domestic animals or birds, a certificate of registration of any animal in the herd register or other register of any such association, society, or company, or a transfer of any such registration, upon conviction thereof shall be punished by imprisonment in a county jail for a term not exceeding three months, or a fine not exceeding one hundred dollars, or by both such fine and imprisonment.

(1887, c. 198, § 1; G. S. 1878, v. 2, c. 95, § 66a.)

§ 6906. False representations as to breed—Penalty.

Any person who shall knowingly represent any animal used for breeding purposes as being of greater degree of any particular strain of blood than such animal actually possesses, shall be guilty of a misdemeanor, and upon conviction thereof shall for each offense be punished by a fine not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail for a term not exceeding six months.

(1887, c. 198, § 2; G. S. 1878, v. 2, c. 95, § 66b.)

¹ An act to punish the making of false pretenses in obtaining certificates of registration of cattle and other animals, and giving false information in regard to any animals in certain cases named. Approved March 7, 1887.

§ 6907. Willful trespass on state pine lands—Penalty.

Whoever commits any willful trespass upon lands now or hereafter held in trust or otherwise by the state, in manner as follows, by cutting pine timber for lumber purposes, or evidently to endanger and expose pine timber to fire or decay, or whoever countenances such trespass, or whoever willfully burns over, or causes to be burned over, any of said lands, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison not more than one year, or by fine not exceeding one thousand dollars, or both such fine and imprisonment in the discretion of the court.

(1885, c. 265; ² G. S. 1878, v. 2, c. 95, § 55a.)

§ 6908. Counterfeiting trade-marks, brands, etc.—Penalty.

Any person or persons who shall knowingly and willfully forge or counterfeit, procure to be forged or counterfeited, any representation, likeness, similitude, copy, or imitation of the private stamps, brands, wrapper, label, or trade-mark, usually affixed by any mechanic, manufacturer, druggist, merchant, or tradesman, to and upon the goods, wares, merchandise, or preparation of said mechanic, manufacturer, druggist, merchant, or tradesman, with intent to pass off any work, goods, manufacture, compound, or preparation, to which such forged or counterfeited representation, likeness, similitude, copy, or imitation is affixed, or intended to be affixed, as the work, goods, manufacture, compound, or preparation of such mechanic, manufacturer, druggist, merchant, or tradesman, shall, upon conviction thereof, be deemed guilty of a misdemeanor, upon conviction thereof, and shall be punished by imprisonment in the county jail for a period [of] not less than six months, nor more than twelve months, or fined not more than five thousand dollars.

(1885, c. 178, § 1; ³ G. S. 1878, v. 2, c. 95, § 45a.)

§ 6909. Same—Possession of dies, plates, etc.—Penalty.

Any person or persons who shall, with intent to defraud any person or persons, body corporate or politic, have in his or their possession any die or dies, plate or plates, brand or brands, engraving or engravings, or printed labels, stamps, imprints, wrapper, or trade-marks, or any representation, likeness, similitude, copy, or imitation of the private stamps, imprint, brand, wrapper, label, or trade-mark, usually affixed by any mechanic, manufacturer, druggist, merchant, or tradesman, to or upon articles made, manufactured, prepared, or compounded by him or them, for the purpose of making impressions, or selling the same when made, or using the same upon any other article made, manufactured, prepared, or compounded, and passing the same off upon the community as the original goods, manufactures, preparations, or compounds, of any other person or persons, body corporate or politic, or who shall, wrongfully and fraudulently sell or use the genuine stamp, brand, imprint, wrapper, label, or trade-mark, with intent to pass off any goods, wares, merchandise, mixtures, compounds, or other articles not the manufacture of the person or persons, body corporate or politic, to whom such stamp, brand, imprint, wrappers, label, or trade-mark properly belongs, as genuine and original, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than six months, nor more than twelve months, or be fined not more than five thousand dollars.

(1885, c. 178, § 2; G. S. 1878, v. 2, c. 95, § 45b.)

² An act to punish trespasses on pine lands. Approved March 5, 1885. § 2 repeals all inconsistent acts and parts of acts.

³ An act to prevent and punish fraud in use of false stamps, brands, labels, or trade-marks. Approved March 9, 1885.

**§ 6910. Same—Vending goods having false stamp, etc.—
Penalty—Civil liability.**

Any person who shall vend or keep for sale any goods, wares, merchandise, mixture, or preparation, upon which any forged or counterfeit stamps, brands, imprints, wrappers, labels, or trade-marks shall be placed or affixed, and intended to represent the said goods, wares, merchandise, mixture, or preparation, as the genuine goods, wares, merchandise, mixture or preparation of any other person or persons, knowing the same to be counterfeit, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars in each case so offending, and shall also be liable in a civil action to the person or persons whose goods, wares, merchandise, mixture, or preparation is counterfeited or imitated, or whose stamps, brands, imprints, wrappers, labels, or trade-marks are forged, counterfeited, placed, or affixed, for all damages such person or persons may or shall sustain by reason of any of the acts in this section mentioned, and may be restrained or enjoined by any court of competent jurisdiction from doing or performing any of the acts above mentioned.

(1885, c. 178, § 3; G. S. 1878, v. 2, c. 95, § 45c.)

§ 6911. Same—Affixing to goods—Penalty.

Any person or persons who shall, with intent to defraud any person or persons, body corporate or politic, knowingly affix or cause to be affixed to or upon any bottle, case, box, or package containing any goods, manufacture, mixture, preparation, or compound, any stamp, brand, label, wrapper, imprint, or trade-mark, which shall designate such goods, manufacture, mixture, preparation, or compound, either wholly or in part, the same to the eye, or in sound to the ear, as the word or words, or some of the words, used by any other person or persons, for designating any goods, manufacture, mixture, preparation, or compound manufactured or prepared by or for such other person or persons, or who shall knowingly sell or expose, or offer for sale, any such bottle, case, box, or package, with any such stamp, brand, label, wrapper, imprint, or mark affixed to or upon it, shall, provided such person or persons so affixing or causing to be affixed, any such stamp, brand, label, wrapper, imprint, or mark, or so selling or exposing or offering for sale any such bottle, case, box, or package, shall not have been the first to employ or use such words to designate, wholly or in part, any goods, manufacture, mixture, preparations, or compound, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than six nor more than twelve months, or be fined not more than five thousand dollars, and shall also be liable to the party aggrieved in the penal sum of one hundred dollars for each and every offense, to be recovered by him in a civil action.

(1885, c. 178, § 4; G. S. 1878, v. 2, c. 95, § 45d.)

The plaintiff is not entitled, in the absence of proof of the measure of damages, to recover the penalty. *Watkins v. Landon*, 52 Minn. 389, 54 N. W. Rep. 193.

**§ 6912. Same—Manufacture of goods falsely branded, etc.—
Penalty.**

Any person or persons who, with intent to defraud, or to enable another to defraud, any person, shall manufacture or knowingly sell, or cause to be manufactured or sold, any article or articles marked, stamped, or branded or incased or inclosed in any box, bottle, or wrapper, having thereon any engraving or engravings, or printed labels, stamps, imprints, marks, or trade-marks, which article or articles are not the manufacture, workmanship, or production of the person named, indicated, or denoted by such marking, stamping, or branding, or by or upon such engraving or engravings, printed labels, stamps, imprints, marks, or trade-marks, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and for such offense shall forfeit and pay a

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fine of two hundred dollars, to be recovered, with costs, in a civil action to be prosecuted by the county attorney of any county in the state, in the name of the county in which said action shall be commenced, and the one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

(1885, c. 178, § 5; G. S. 1878, v. 2, c. 95, § 45e.)

§ 6913. "Trade-mark" defined.

A "trade-mark" is a mark used to indicate the maker, owner, or seller of any goods, wares, merchandise, mixture, preparation, or compound, and includes among other things any name of a person or corporation, or any letter, word, device, emblem, figure, seal, stamp, diagram, brand, wrapper, ticket, stopper, label, or other mark, lawfully adopted by him and usually affixed to any goods, merchandise, mixture, preparation, or compound to denote the same was imported, manufactured, produced, sold, compounded, bottled, packed, or otherwise prepared by him.

(1885, c. 178, § 6; G. S. 1878, v. 2, c. 95, § 45f.)

§ 6914. Same—When deemed affixed.

A trade-mark is deemed to be affixed to any goods, wares, merchandise, mixture, preparation, or compound when it is placed in any manner in or upon either—

- (1) The article itself; or
- (2) A box, bale, barrel, bottle, case, cask, or other vessel or package, or a cover, wrapper, stopper, brand, label, or other thing, in, by, or with which the goods are packed, inclosed, or otherwise prepared for sale or disposition.

(1885, c. 178, § 7; G. S. 1878, v. 2, c. 95, § 45g.)

§ 6915. "Imitation" defined.

An imitation of a trade-mark, stamp, brand, wrapper, or label is that which so far resembles the genuine trade-mark, stamp, brand, wrapper, or label as to be likely to induce the belief that it is genuine, either by the use of words or letters similar in appearance or in sound, or by any sign, device, or the names whatsoever.

(1885, c. 178, § 8; G. S. 1878, v. 2, c. 95, § 45h.)

§ 6916. Evidence.

No testimony or evidence given by any person in any civil action to which such person may be a party, or by any other witness in such action, or on any reference or proceeding which may be had in such action, nor any evidence or testimony derived from the books or papers of such party or witness, produced by him as a witness, or otherwise, in such action, or on any reference or other proceedings which may be had therein, can or shall be used in any criminal prosecution against such party or witness, under any of the provisions of this act; nor shall any party or witness refuse to testify or furnish evidence in any civil action by reason of any of the provisions of this act.

(1885, c. 178, § 9; G. S. 1878, v. 2, c. 95, § 45i.)

§ 6917. Labels of workmen's unions.

It shall be lawful for associations and unions of workmen to adopt for their protection labels, trademarks, and advertisements used by such unions or associations, announcing that goods manufactured by members of such associations or unions are so manufactured by such members.

(1889, c. 9, § 1.4)

§ 6918. Same—When use is punishable.

That any and all persons using such union or association trademark, labels or advertisements, whether exactly like such labels, trademarks or advertise-

⁴An act to punish the counterfeiting of labels, trademarks and advertisements, and the use of counterfeited labels, trademarks and advertisements. Approved April 23, 1889.

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ments, or not, if with the intention to or likely to deceive the public, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than ten days nor more than thirty days, or a fine of not less than twenty-five dollars nor more than one hundred dollars.

(Id. § 2.)

§ 6919. Same—After notification.

That every person who shall use any such counterfeited trademark, label or advertisement of such a union or association after having been notified that the same is so counterfeited, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than ten days nor more than thirty days, or by fine of not less than twenty-five dollars nor more than one hundred dollars.

(Id. § 3.)

§ 6920. Label, etc., to be recorded.

That every association of workmen or labor union adopting a label, trademark or advertisement of the kind specified in the first section of this act, shall record the same in the office of the secretary of state by leaving two copies of said labels or advertisements with said secretary of state, who shall under his hand and seal deliver to the association or union recording such label or advertisements, a certificate of record, for which he shall receive a fee of one dollar.

(Id. § 4.)

§ 6921. Injunction, when.

That every association of workmen or labor union adopting a label, trademark or advertisement of the kind specified in the first section of this act, may proceed by suit in any of the courts of the state to enjoin the manufacture, use, display or sale of counterfeits or imitations of such labels, trade marks or advertisements, and that all courts having jurisdiction of the persons, and upon satisfactory proof of such wrongful use shall grant an injunction for such wrongful use of such counterfeits, and shall award the complainants such damages resulting from such wrongful use as may be proved, and shall require the defendants to pay to the complainant the profits derived from such wrongful use, or both profits and damages, and the courts shall also order all counterfeit labels and advertisements in the possession or under the control of the defendant in such cause to be delivered to an officer of the court, or to the complainants to be destroyed.

(Id. § 5.)

§ 6922. Same.

In like manner such unions or associations of workmen shall be authorized to proceed against all persons who shall wrongfully use or display the genuine labels, trademarks or advertisements of the respective associations or unions, not being authorized by such associations or unions to use or display the same, in any court having jurisdiction thereof.

(Id. § 6.)

§ 6923. Trademarks, labels, etc.

It shall be lawful for any person, association, union or corporation to adopt for their protection, labels, trade marks and forms of advertisements used by such person, association, union or corporation, announcing that goods manufactured by any person, association, union or corporation specified are so manufactured by such person, association, union or corporation.

(1893, c. 24, § 1.⁵)

§ 6924. Same—When imitation unlawful.

That whenever any person, association, union or corporation have adopted or shall hereafter adopt, for their protection, any label, trade mark or form of advertisement announcing that goods to which such label, trade mark or form of advertisement shall be attached, were manufactured by any person, association, union or corporation specified, it shall be unlawful for any

⁵An act relating to labels, trade marks and advertisements, and to provide for their protection and the punishment for counterfeiting the same, or for using counterfeits of the same. Approved April 17, 1893.

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person or corporation to counterfeit or imitate such label, trade mark or form of advertisement.

(Id. § 2.)

§ 6925. Use of imitation a misdemeanor.

Any person who shall use or utilize any counterfeit or imitation of any label, trade mark, or form of advertisement adopted by any person, association, union or corporation by attaching or affixing the same, in any manner, to any box, package or parcel of goods knowing the same to be false, counterfeit or imitation, shall be guilty of a misdemeanor.

(Id. § 3.)

§ 6926. Penalty.

Any person, association or corporation violating any provisions of sections two and three of this act shall be punished by imprisonment in the county jail for not less than ten days nor more than ninety days, or by a fine of not less than twenty-five dollars nor more than one hundred dollars.

(Id. § 4.)

§ 6927. Trademarks, labels, etc., to be recorded.

Any such person, association, union or corporation that has heretofore, or shall hereafter adopt a label, trade mark or form of advertisement as aforesaid, shall file the same for record in the office of the secretary of state by leaving two copies, counterparts or fac-similes thereof with the secretary of state, and said secretary of state shall thereupon deliver to such person, association, union or corporation so filing the same a duly attested certificate of the record of the same, for which he shall receive a fee of one dollar. Such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade mark or form of advertisement, and the right of said person, association, union or corporation to adopt and use the same; provided, that it shall be the duty of said secretary of state to refuse to file of record or issue said certificate for any label, trade mark or form of advertisement that so closely resembles any label, trade mark or form of advertisement already of record at the time of the application for said certificate that it would probably be mistaken therefor.

(Id. § 5.)

§ 6928. Action to enjoin manufacture, etc., of imitations.

That every person, association, union or corporation adopting a label, trade mark or advertisement of the kind specified in the first section of this act, may proceed by suit in any of the courts of the state to enjoin the manufacture, use, display or sale of counterfeits or imitation of such labels, trade marks or advertisement, and that all courts having jurisdiction of the persons, and upon satisfactory proof of such wrongful use, shall grant an injunction for such wrongful use of such counterfeits, and shall award the complainants such damages resulting from such wrongful use, as may be proved, and shall require the defendant to pay to the complainants the profits derived from such wrongful use, or both profits and damages, and the courts shall also order all counterfeit labels and advertisements in the possession or under the control of the defendant in such case to be delivered to an officer of the court or to the complainants to be destroyed.

(Id. § 6.)

§ 6929. Action for wrongful use of genuine labels, etc.

In like manner such persons, unions, associations or corporations shall be authorized to proceed against all persons who shall wrongfully use or display the genuine labels, trade marks or advertisements of such persons, associations, unions or corporations not being authorized by such persons, associations, unions or corporations to use or display the same, in any court having jurisdiction thereof.

(Id. § 7.)

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