

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  
REPORTER SYSTEM

---

COMPLETE IN TWO VOLUMES

---

VOL. 2

CONTAINING

Sections 4822 to 8054 of the General Statutes, and the General Index

---

ST. PAUL, MINN.  
WEST PUBLISHING CO.

1894

## CHAPTER 98.

## OFFENSES AGAINST THE PUBLIC PEACE.

1. Enacted Before the Penal Code, §§ 6930-6945.
2. Enacted Since the Penal Code, § 6946.

By Penal Code, § 541 (§ 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inclusive), G. S. 1878, "and all acts and parts of acts which are inconsistent with the provisions of this act, are repealed, so far as they define any crime, or impose any punishment for crime, except as herein provided."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 (§ 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 are recognized as continuing in force notwithstanding the provisions of this code, except so far as they have been repealed or affected by subsequent laws."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 (§ 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.]

## § 6930. 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.

(G. S. 1866, c. 98, § 1; G. S. 1878, c. 98, § 1.)

See, also, §§ 6645, 6647.

## § 6931. 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.

(G. S. 1866, c. 98, § 2; G. S. 1878, c. 98, § 2.)

See, also, § 6650.

## § 6932. 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.

(G. S. 1866, c. 98, § 3; G. S. 1878, c. 98, § 3.)

## § 6933. 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

(1832)

# MINNESOTA STATUTES 1894

Tit. 1]

ENACTED BEFORE THE PENAL CODE.

§§ 6933-6937

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.

(G. S. 1866, c. 98, § 4; G. S. 1878, c. 98, § 4.)

## § 6934. 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.

(G. S. 1866, c. 98, § 5; G. S. 1878, c. 98, § 5.)

## § 6935. 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.

(G. S. 1866, c. 98, § 6; G. S. 1878, c. 98, § 6.)

## § 6936. 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.

(G. S. 1866, c. 98, § 7, as amended 1872, c. 74, § 1; G. S. 1878, c. 98, § 7.)

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.)

## § 6937. 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; G. S. 1878, c. 98, § 8.)

(1833)

**§ 6938. 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.

(1876, c. 54, § 2; G. S. 1878, c. 98, § 9.)

**§ 6939. Disturbing schools, etc.—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.

(1876, c. 54, § 3; G. S. 1878, c. 98, § 10.)

\*That portion of the section within brackets, being inconsistent with the provisions of § 320 of the Penal Code (§ 6644, ante), appears to be repealed, without repealing the remainder of the section. See § 6851.

**§ 6940. Use of abusive or obscene language—Penalty.**

Any person who shall use, in reference to and in the presence of another, or in referencé 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; 1 G. S. 1878, v. 2, c. 98, § 11.)

See § 6972.

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.

**§ 6941. 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; 2 G. S. 1878, v. 2, c. 98, § 14.)

See § 6972.

**§ 6942. 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.

(1881, c. 137, § 2; G. S. 1878, v. 2, c. 98, § 15.)

But see §§ 6661, 6850.

**§ 6943. 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,

<sup>1</sup> An act to prevent the use of language calculated to cause a breach of the peace. Approved February 18, 1881.

<sup>2</sup> An act to punish rowdyism on railway cars. Approved March 7, 1881.  
(1834)

# MINNESOTA STATUTES 1894

Tit. 2]

ENACTED SINCE THE PENAL CODE.

§§ 6943-6946

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. S. c. 78, § 1;<sup>3</sup> G. S. 1878, v. 2, c. 98, § 16.)

## § 6944. 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 default of payment thereof may be imprisoned for a period not exceeding sixty days.

(1881, c. 153, § 1; <sup>4</sup> G. S. 1878, v. 2, c. 98, § 12.)

See § 6972.

## § 6945. 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.

(1881, c. 153, § 2; G. S. 1878, v. 2, c. 98, § 13.)

## [TITLE 2.]

[ENACTED SINCE THE PENAL CODE.]

## § 6946. Use of firearms by certain minors prohibited.

That it shall be unlawful for any minor person under the age of fourteen years to handle or have in his possession or control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any species whatever, for hunting or target practice, or any other purpose whatever. And any one violating any of the provisions of this act, or aiding or knowingly permitting any minor person of such age, except as herein provided, to violate the same, shall be deemed guilty of a misdemeanor.

(1889, c. 16, § 1.<sup>5</sup>)

<sup>3</sup> An act to punish offenses on street cars. Approved November 17, 1881.

<sup>4</sup> An act to repress and punish disorderly conduct on public conveyances. Approved February 18, 1881.

<sup>5</sup> An act to prohibit the use of firearms by minors, and to punish the same. Approved April 24, 1889.