

GENERAL STATUTES

OF

MINNESOTA

1913

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trol or to run at large. Every violation of any provision of this section shall be a misdemeanor. (5011)

8787. Impure water—Every owner, agent, manager, operator, or any one having charge of any waterworks, furnishing water for public or private use, who knowingly permits the appliances of the same to become in a filthy condition, or in such condition that the purity and healthfulness of the water supplied by reason thereof becomes impaired, shall be guilty of a felony, and punished by imprisonment in the state prison for not more than ten years. (5012)

8788. Careless distribution of drugs, etc.—That no person, or persons, either directly or indirectly, by agent or otherwise, shall scatter, distribute or give away any samples of any medicine, drugs or medical compounds, salve or liniment of any kind unless the same is delivered into the hands of an adult person, or mailed to such persons through the regular mail service. ('05 c. 33 § 1)

8789. Same—Penalty—Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail for a term not to exceed ninety days. ('05 c. 33 § 2)

8790. Common drinking cups in public places—In order to prevent the spread of communicable diseases, the use of common drinking cups in public places, public conveyances and public buildings, is hereby prohibited. ('13 c. 61 § 1)

8791. Same—Penalty—Whoever violates the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine, not exceeding twenty-five dollars (\$25.00) for each offense. ('13 c. 61 § 2)

CHAPTER 100

CRIMES AGAINST THE PUBLIC PEACE

8792. Disturbing meetings—Disorderly conduct—Every person who, without authority of law, shall wilfully disturb any assembly or meeting not unlawful in its character, shall be guilty of a misdemeanor, and punished by a fine of not less than five dollars nor more than fifty dollars. (5013)

8793. "Riot" defined—Whenever three or more persons, having assembled for any purpose, shall disturb the public peace by using force or violence to any other person or to property, or shall threaten or attempt to commit such disturbance, or to do an unlawful act by the use of force or violence, accompanied with the power of immediate execution of such threat or attempt, they shall be guilty of a riot. (5014)

8794. Riot, how punished—Every person who shall be guilty of riot, or of participating therein, by being present, or by instigating, promoting, or aiding the same, shall be punished as follows:

1. If the purpose of the assembly, or of the acts done, threatened, or intended by the persons engaged, shall be to resist the enforcement of a statute of this state or of the United States, or to obstruct any public officer of this state or the United States in serving or executing any process or other mandate of a court, or in the performance of any other duty, or if at the time of the riot the offender shall carry firearms or any other dangerous weapon, or shall be disguised, by imprisonment in the state prison for not more than five years, or by a fine of not more than one thousand dollars, or by both.

2. If the offender shall direct, advise, encourage, or solicit other persons present or participating in the riot or assembly to acts of force or violence, by imprisonment in the state prison for not more than two years, or by a fine of not more than five hundred dollars, or by both.

3. In every other case, by imprisonment in the state prison for not more than one year, or by a fine of not more than two hundred and fifty dollars, or by both. (5015)

8795. Unlawful assembly—Whenever three or more persons shall assemble with intent—

1. To commit any unlawful act by force;
2. To carry out any purpose in such a manner as to disturb the public peace; or,
3. Being assembled, shall attempt or threaten any act tending toward a breach of the peace or an injury to persons or property, or any unlawful act—

Such an assembly is unlawful, and every person participating therein by his presence, aid, or instigation shall be guilty of a misdemeanor. (5016)

8796. Remaining after warning—Every person who shall remain present at the place of an unlawful assembly, after having been warned to disperse by a magistrate or public officer, unless as a public officer or at the request of any such officer he is assisting in dispersing the same, or in protecting persons or property or in arresting offenders, shall be guilty of a misdemeanor. (5017)

8797. Destruction of property—Whenever any of the persons so unlawfully assembled shall pull down or destroy any dwelling house or other building, or any shop, steamboat, or vessel, he shall be punished by imprisonment in the state prison for not less than three nor more than seven years, or by fine of not more than one thousand dollars. (5018)

20-136, 119.

8798. Combination to resist process—Every person who enters into a combination with another to resist the execution of any legal process or other mandate of a court of competent jurisdiction, under circumstances not amounting to a riot, shall be guilty of a gross misdemeanor. (5019)

8799. Prize fighting—Aiding—Betting or stakeholding—Every person who, within this state, shall engage in, instigate, aid, encourage, or do any act to further an encounter or fight with or without weapons between two or more persons, or a fight commonly called a ring or prize fight, or an encounter commonly called a sparring match, in which the combatants are provided with gloves, whether such fight or encounter shall take place within or without the state; or who shall send or publish a challenge or acceptance of a challenge for such an encounter or fight; or who shall carry or deliver such a challenge or acceptance, or shall train or assist any person in training or preparing for such an encounter or fight; or who shall bet, stake, or wager money or other property upon the result of such encounter or fight; or who shall hold or undertake to hold money or other property so staked or wagered to be delivered to or for the benefit of the winner thereof—shall be guilty of a misdemeanor. (5020)

8800. Fight out of the state—Every person who shall leave the state with intent to elude any provision of § 8799, or to do any act out of the state which is prohibited therein, and every resident of the state who shall do any act out of the state which would be punishable under § 8799 if done in the state, shall be guilty of the same offence and subject to the same punishment as if the act had been done in the state. An indictment for such offence may be tried in any county in the state. (5021)

8801. Apprehension of person about to fight—Bail—Commitment—Whenever it shall be made to appear to any magistrate having authority to issue warrants in criminal cases that there is reasonable grounds to apprehend that an offence specified in §§ 8799, 8800 is about to be committed within his jurisdiction, or by any person therein, he shall issue his warrant for the arrest of the person or persons so about to offend, and if upon any such person being brought before him it shall appear that there is reasonable ground to believe that he is about to commit such offence he shall require him to give bond to the state, approved by him, in a sum not exceeding one thousand dollars, with or without sureties, conditioned that such person shall not within one year thereafter commit such offence. On failure to furnish such bond such person shall be committed to the county jail until duly discharged by the district court; but upon furnishing the required bond he may be released upon habeas corpus. The sureties of the bond herein specified shall be approved by the officer taking it. (5022)

8802. Forcible entry and detainer—Every person using, or procuring, or encouraging, or assisting another to use any force or violence in entering upon or detaining any lands or other possessions of another, except in the cases and in the manner allowed by law, and every person who has been removed from any lands by process of law, or who has removed therefrom pursuant to the lawful adjudication or direction of any court, tribunal, or officer, and afterwards, without authority of law, returns to settle or reside upon, or take possession thereof, shall be guilty of a gross misdemeanor. (5023)

8803. Aiming or discharging firearms, etc.—Every person who shall aim any gun, pistol, revolver, or other firearm, whether loaded or not, at or towards any human being, or who shall wilfully discharge any firearm, air gun, or other weapon, or throw any deadly missile, in a public place, or in any place where there is any person to be endangered, although no injury actually results, shall be guilty of a misdemeanor. (5024)

8804. Use of firearms by minors—No minor under the age of fourteen years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor. (5025)

100-294, 111+279.

8805. Use of firearms within three miles of certain cities—It is hereby declared unlawful for any person to hunt with or carry loaded any rifle or other firearm for the purpose of hunting within three miles of the corporate limits of any city having a population of 50,000 or more, except target practice on regular rifle ranges; and members of duly organized gun clubs shooting or practicing on lands owned or leased by the club, or trap shooter shooting or practicing on grounds selected for that purpose, or firing a salute over the graves of soldiers. Whoever offends against any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than ninety days, for each violation of this section. ('07 c. 300)

8806. Silencers for firearms—No person shall within the state of Minnesota sell or offer or expose for sale, or have in possession for use upon or in connection with any rifle, shot-gun, revolver, or other fire-arm or have in possession for purposes of sale any silencer for a shot-gun, revolver, rifle or other fire-arm. ('13 c. 64 § 1)

8807. Same—Possession as evidence—In any prosecution hereunder proof of the having such silencer in possession by any person shall constitute prima facie evidence that same was had in possession of such person for use contrary to the provisions of this act. ('13 c. 64 § 2)

8808. Same—"Silencer" defined—A silencer within the meaning of this act is defined as a mechanical device or construction or instrument designed or intended to be temporarily or permanently attached to or used in connection with any shot-gun, revolver, rifle, or other fire-arm for the purpose of lessening or reducing the volume of sound caused by the discharge of or by the firing of such gun, rifle, revolver or other fire-arm. ('13 c. 64 § 3)

8809. Same—Penalty—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('13 c. 64 § 4)

8810. Offences in public conveyances—Punishment—Every person who shall wilfully use profane, offensive, or indecent language, or engage in any quarrel in any railway or street railway car or other public conveyance, or shall interfere with or annoy any passenger therein, or, having refused to pay the proper fare, shall fail to leave any such conveyance upon demand, or, with the intent to avoid the payment of fare, shall ride upon any car not commonly used for the carriage of passengers, or shall take any dog into any such car

or conveyance or smoke therein, contrary to the rules of the corporation or person operating the same, shall be guilty of a misdemeanor. (5026)

8811. Conductor—Authority to arrest, etc.—Every conductor of a railway train, with or without warrant, may arrest any person committing any act specified in § 8810, and take him before a magistrate or to the next railway station, and deliver him to the proper officer, or to the station agent, who shall take such person before the proper magistrate or deliver him to such officer. Every such conductor and station agent shall in such case possess all the powers of a sheriff with a warrant. (5027)

8812. Witness not excused, when—No person shall be excused from giving evidence upon an investigation or prosecution for any offence specified in this subdivision upon the ground that his testimony might tend to convict him of a crime. (5028)

8813. Language provocative of assault—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 guilty of misdemeanor. ('07 c. 96 § 1)

116-1, 133+86.

CHAPTER 101

CRIMES AGAINST PROPERTY

8814. Misappropriation and falsification of accounts by public officers—Every public officer, and every other person receiving money on behalf or for account of the people of the state, or of any department of the state government, or of any bureau or fund created by law, in which the people are directly or indirectly interested, or for or on account of any county, city, village, borough, town, or school district, who—

1. Shall appropriate to his own use, or the use of any person not entitled thereto, without authority of law, any money so received by him as such officer or otherwise;

2. Shall knowingly keep any false account, make any false entry or erasure in any account, of or relating to any money so received by him;

3. Shall fraudulently alter, falsify, conceal, destroy, or obliterate any such account; or

4. Shall wilfully omit or refuse to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, village, borough, town, or school district, or to the proper officer or authority empowered to demand and receive the same, any money received by him as such officer, when it is a duty imposed upon him by law to pay over and account for the same—

Shall be guilty of a felony. (5029)

EMBEZZLEMENT

1. **What constitutes**—22-67; 28-226, 9+704; 29-78, 11+233; 38-192, 36+457.

2. **Indictment**—22-67; 28-226, 9+704; 29-78, 11+233.

3. **Municipality**—The statute is not applicable to a municipality as such (80-165, 83+54, 50 L. R. A. 170, 81 Am. St. Rep. 249).

4. **Punishment**—26-494, 5+369; 69-508, 72+799, 975.

8815. Other violations by officers—Every officer or other person mentioned in § 8814 who shall wilfully disobey any provision of law regulating his official conduct in cases other than those specified in said section shall be guilty of a gross misdemeanor, and punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than two years, or by both. (5030)

80-165, 83+54, 50 L. R. A. 170, 81 Am. St. Rep. 249.

8816. Misappropriation, etc., by county treasurer—Every county treasurer who shall wilfully misappropriate any moneys, funds, or securities received by or deposited with him as such treasurer, or who shall be guilty of any other malfeasance or wilful neglect of duty in his office, shall be guilty of felony,