

**GENERAL STATUTES**  
*of*  
**MINNESOTA**  
**1923**

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animal to run at large, or be driven upon any highway; or who shall sell, or in any manner dispose of, the same to any other person; and every keeper of a public barn, who shall knowingly permit any horse or other animal having such disease to be stabled in such barn— shall be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five dollars, or by imprisonment in the county jail for not less than ten nor more than ninety days. (5010) [8785]

10273. Owners of diseased animals to have carcasses buried—Every person owning or having in charge any domestic animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet deep in the ground or cause the same to be consumed by fire. Provided, however, that the state live stock sanitary board or its duly authorized representative may authorize and direct such person by special permit after detailed report made to said board or representative to otherwise dispose of the said carcass. No person shall sell or offer to sell, or give away such carcass when the animal died or was killed on account of disease, nor convey the same along any public road or upon any land not his own; unless in accordance with a special permit as hereinbefore provided. Nor shall any person negligently or wilfully permit diseased animals owned or controlled by him to escape his control or to run at large. Every violation of any provision of this section shall be a misdemeanor. (R. L. '05 § 5011, G. S. '13 § 8786, amended '21 c. 486 § 1)

10274. Impure water—Every owner, agent, man-

ager, operator, or any one having charge of any water-works, 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) [8787]

10275. 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) [8788]

10276. 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) [8789]

10277. 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) [8790]

10278. 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) [8791]

CHAPTER 100

CRIMES AGAINST THE PUBLIC PEACE

10279. 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) [8792]

10280. "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) [8793]

10281. 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) [8794]

10282. 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) [8795]

10283. 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) [8796]

10284. 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

10273 218

10274 273

10281-82 114  
160-M 465  
199-NW

more than one thousand dollars. (5018) [8797]  
20-136, 119.

10285. **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) [8798]

10286. **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) [8799]

10287. **Fight out of the state**—Every person who shall leave the state with intent to elude any provision of § 10286, 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 § 10286 if done in the state, shall be guilty of the same offense and subject to the same punishment as if the act had been done in the state. An indictment for such offense may be tried in any county in the state. (5021) [8800]

10288. **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 offense specified in §§ 10286, 10287 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 offense 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 offense. 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) [8801]

10289. **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) [8802]

10290. **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) [8803]  
131-427, 155+399.

10291. **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) [8804]

100-294, 111+279; 149-206, 183+134.

10292. **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 firearm or have in possession for purposes of sale any silencer for a shot-gun, revolver, rifle or other firearm. ('13 c. 64 § 1) [8806]

10293. **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) [8807]

10294. **"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) [8808]

10295. **Penalty**—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. ('13 c. 64 § 4) [8809]

10296. **Offenses 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) [8810]

10297. **Conductor—Authority to arrest, etc.**—Every conductor of a railway train, with or without warrant, may arrest any person committing any act specified in § 10296, 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) [8811]

10298. **Witness not excused, when**—No person shall be excused from giving evidence upon an investigation or prosecution for any offense specified in this subdivision upon the ground that his testimony might tend to convict him of a crime. (5028) [8812]

10286-88  
15 — 363  
238nw 641  
Sec 3251  
Et seq.

10286  
33 — 7  
Sec 3251R

**10299. 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) [8813]  
116-1, 133+86.

**10300. Wearing of masks prohibited**—It shall be unlawful for any person either alone or in company with others, to appear on any street or highway, or in other public places or any place open to view by the general public, with his face or person partially or completely concealed by means of a mask or other

regalia or paraphernalia, with intent thereby to conceal the identity of such person. The wearing of any such mask, regalia or paraphernalia by any person on any street or highway or in other public places or any place open to view by the general public, shall be presumptive evidence of wearing the same with intent to conceal the identity of such person; provided, however, that this act shall not be construed to prohibit the wearing of such means of concealment in good faith for the purposes of amusement or entertainment. ('23 c. 160 § 1)

**10301. Penalties for violation**—Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor. ('23 c. 160 § 2)

CHAPTER 101

CRIMES AGAINST PROPERTY

**10302. 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) [8814]

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).

4. **Punishment**—26-494, 5+369; 69-503, 72+799, 975. See also, 154-307, 191+900.

**10303. Other violations by officers**—Every officer or other person mentioned in § 10302 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) [8815]  
80-165, 83+54.

**10304. 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, and pun-

ished by imprisonment in the state prison for not less than one nor more than five years, or by fine of not less than five hundred dollars nor more than ten thousand dollars, or by both. (5031) [8816]

26-133, 2+494, 683; 26-494, 5+369; 28-226, 9+704; 29-78, 11+233.

**10305. Officer interested in contract**—Every public officer who shall be authorized to sell or lease any property, to make any contract in his official capacity, or to take part in making any such sale, lease, or contract, and every employee of such officer, who shall voluntarily become interested individually in such sale, lease, or contract, directly or indirectly, shall be guilty of a gross misdemeanor. (5032) [8817]

88-127, 92+520; 89-402, 95+221; 112-1, 127+420; 112-24, 127+397; 122-301, 142+812.

**10306. False statement regarding taxes**—Every person who, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing or reducing any tax or assessment, who shall wilfully make any statement as to any material matter which he knows to be false, shall be guilty of a gross misdemeanor. (5033) [8818]

**10307. Wilful trespass on pine lands, how punished**—Every person who shall commit any wilful trespass upon lands now or hereafter held in trust or otherwise by the state, by cutting pine timber for lumber purposes, or by evidently endangering or exposing pine timber to fire or decay, or who shall in any manner aid or abet such trespass, or who shall wilfully burn over, or cause to be burned over, any of said lands, shall be guilty of a felony, and punished by imprisonment in the state prison for not more than one year, or by fine of not more than one thousand dollars, or by both. (5034) [8819]

CRIMES AGAINST OTHER PROPERTY

**10308. Definitions**—The following words and terms as used in this chapter shall be construed to mean as follows: The word "night-time," the period between sunset and sunrise; the words "dwelling house," every building or structure which shall have been usually occupied by persons lodging therein at night, and whenever it shall be so constructed as to consist of two or more parts, occupied or intended to be occupied by different tenants separately by usually lodging therein at night, or for any other separate purpose, each part shall be deemed the separate dwelling house of the tenant occupying the same; the word "building,"

10305  
31 — 212  
167-M  
208-NW  
10305  
173m 428  
217nw 496  
2836

10303  
-NW 173  
174  
10303  
172m 324