

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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purpose of religious worship. But this shall not be so construed as to prevent any person from continuing business where previously located, or from selling such liquors where he had been licensed to sell before the appointment of such meeting. Every person who shall

violate any provision of this section shall be punished by a fine not exceeding thirty dollars, or by imprisonment in a county jail for not more than thirty days, or by both. (4986) [8758]

CHAPTER 99

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10241. Public nuisance defined—A public nuisance is a crime against the order and economy of the state, and consists in unlawfully doing an act or omitting to perform a duty, which act or omission—

1. Shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons;
2. Shall offend public decency;
3. Shall unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage, a lake, navigable river, bay, stream, canal, or basin, or a public park, square, street, alley, or highway; or
4. Shall in any way render a considerable number of persons insecure in life or the use of property. (4987) [8759]

Cited (101-197, 112+395). 126-95, 147+953; 126-477, 148+466; 153-229, 190+278.
157-430, 196+487; 211+328.

10242. Itinerant carnivals prohibited—Itinerant carnivals as defined in Section 2 hereof are hereby declared to be a public nuisance and are prohibited. ('23 c. 428 § 1)

Licenses or permits for street shows, carnivals, etc., within one mile of corporate limits of city of fourth class. See §§ 1929-1 to 1929-5, herein.

10243. Defining itinerant carnival—An itinerant carnival within the meaning and for the purposes of

this act is any itinerant carnival, show, act or exhibition, or any other carnival, show, act or exhibition, which is held in the open or indoors or upon or within any public or private grounds of the state, or of any incorporated municipality thereof at which congregates and assembles with or without payment of an admission fee, a promiscuous gathering of people as spectators or otherwise, and at which lewd or obscene features are a part, or at which any gambling concessions are given or games of chance practiced, or in or about which actors or other persons connected therewith are engaged in immoral pursuits, or at which attractions are exhibited which affect the health or morals of the community. ('23 c. 428 § 2)

10244. Penalties for violation—Any person who shall participate in allowing or conducting any itinerant carnival herein prohibited shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Fifty (\$50.00) Dollars nor exceeding One Hundred (\$100.00) Dollars or imprisonment in the county jail, or the city workhouse not less than thirty days nor more than three months. ('23 c. 428 § 3)

10245. Maintaining or permitting building as a nuisance—Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall wilfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or portion thereof, knowing that it is intended to be used for committing or maintaining any such nuisance—shall be guilty of a misdemeanor. (4988) [8760]

126-95, 147+953.
147-52, 179+566.

10246. Keeping gunpowder unlawfully—Every person who shall make or keep gunpowder, nitroglycerin, or other explosive or combustible material in a city or village, or carry it through the streets thereof in a quantity or manner prohibited by law or by ordinance of such municipality, shall be guilty of a misdemeanor. And every person who by the careless, negligent, or unauthorized use or management of gunpowder or other explosive substance shall injure, or cause injury to, the person or property of another, shall be punished by imprisonment in the county jail for not more than one year. (4989) [8761]

10247. Obstructing health officer—Every person who shall wilfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws, in performing any legal duty, shall be guilty of a misdemeanor. (4990) [8762]

10248. Wilful violation of health laws—Every person who shall wilfully violate any provision of the health laws, the punishment for which is not specially provided for therein, shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two thousand dollars, or by both. (4991) [8763]

10249. Gasoline, benzine, and kerosene cans—Every manufacturer or vendor who shall sell or cause to be sold, place or cause to be placed, any gasoline or benzine, in quantities of more than one pint and less than six gallons, in any receptacle except one of a bright red color and tagged and labeled in large plain letters with the name of the contents, or who shall sell or cause to be sold, place or cause to be placed, kerosene or other illuminating oils in the same quantities in a receptacle of a red color, shall be guilty of a misdemeanor, and punished by a fine of not more than one hundred dollars. (4992) [8764]

147-52, 179+566.

Action for damages. 210+78.

10250. Adulteration or imitation of foods, etc.—Every person who, with intent that the same may be sold as unadulterated or undiluted, shall adulterate or dilute wine, milk, distilled spirits, or malt liquors, or any drug, medicine, food, or drink for man or beast; or shall offer for sale or sell the same as unadulterated or undiluted, or without disclosing to or informing the purchaser that the same has been adulterated or diluted; or shall manufacture, sell, expose, or offer for sale, as such article of food or drink, any substance in imitation thereof, without disclosing the imitation by a suitable and plainly visible mark or brand; or with intent that the same may be used as food, drink, or medicine, shall sell, offer or expose for sale, any article whatsoever which to his knowledge has become spoiled, tainted, or for any cause unfit to be used as food, drink, or medicine, where special provision has not otherwise been made by statute for its punishment, shall be guilty of a misdemeanor, and punished by a fine of not less than twenty-five dollars, or by imprisonment in the county jail for not less than thirty days. (4993) [8765]

Sale of filled milk, see §§ 3788 et seq., 3926 to 3928, herein.

The identity of the butter proven to have contained lard with that sold was sufficiently established. 156-27, 194+17.

The court was justified in finding the analysis of the state's chemist adequate proof of the presence of lard in the butter, and also that the lard reduced the quality and strength of the butter. 156-27, 194+17.

A variance in the name of the person to whom defendant was charged with selling adulterated butter cannot be taken advantage of in this court, unless raised in the court below. 156-27, 194+17.

10251. Sale of unwholesome poultry, etc.—Every person who shall offer or expose for sale at retail, for human food, at any public market, store, shop, or house, or in or about any street or other public place, any domestic or wild fowls, or any slaughtered rabbits, squirrels, or other small animals, wild or tame, unless the entrails, crops, and other offensive parts are properly drawn and removed, shall be guilty of a misdemeanor. (4994) [8766]

10252. Protection of meat, etc.—Every dealer in slaughtered fresh meats, fish, fowl, or game for human food, at wholesale or retail, at any established place or as a peddler, in the transportation of such food from place to place to customers, shall protect the same from dust, flies, and other vermin or substance which may injuriously affect it, by securely covering it while being so transported. Every violation of the foregoing provision shall be a misdemeanor, punishable by a fine of not less than ten dollars or by imprisonment in the county jail for not less than ten days. (4995) [8767]

10253. Sale of young veal—No person, firm or corporation shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves

killed when less than four weeks old. ('05 c. 323 § 1) [8768]

10254. Penalty—Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars, or by imprisonment for a period not to exceed ninety days. ('05 c. 323 § 2) [8769]

10255. Deadly weapons—Every person who shall manufacture, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as a slung-shot, sand-club, or metal knuckles; or who shall attempt to use against another, or with intent so to use, shall carry, conceal, or possess, any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol, or other dangerous weapon, shall be guilty of a gross misdemeanor. The possession by any person, other than a public officer, of any such weapon concealed or furtively carried on the person shall be presumptive evidence of carrying, concealing, or possessing with intent to use the same. (R. L. '05 § 4996, G. S. '13 § 8770, amended '17 c. 243 § 1)

The statute is directed against the carrying of a concealed weapon with intent to use against others, though the particular ones are not then identified in the mind of the accused. 163-317, 203+985

The burden of proving the intent is upon the state, and the presumption declared by the statute is not controlling nor conclusive. 163-317, 203+989.

10256. Selling to minors—No person, in any city in this state, shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of such city. ('17 c. 244 § 1)

10257. Penalty—Any person who violates any provision of this act is guilty of a misdemeanor. ('17 c. 244 § 1)

10258. Blank cartridge firearms, certain firecrackers, etc., prohibited—Every person who shall manufacture, use, sell or keep for sale within this state any blank cartridge pistols, blank cartridge revolver or other blank cartridge firearms, blank cartridges, caps containing dynamite, and firecrackers exceeding three inches in length, and exceeding one-half of an inch in diameter, shall be guilty of a misdemeanor. ('07 c. 28 § 1) [8771]

10259. Negligence in respect to fire—Every person who shall negligently or carelessly set on fire, or cause to be set on fire, any woods, prairie, or other combustible material, whether on his own land or not, by means whereof the property of another shall be endangered, or who shall negligently suffer any fire upon his own lands to extend beyond the limits thereof, shall be guilty of a misdemeanor. (4997) [8772]

10260. Obstructing attempts to extinguish fires—Every person who, at the burning of any building, shall be guilty of any disobedience to lawful orders of a public officer or fireman, or of resistance to, or interference with, the lawful efforts of any fireman or company of firemen to extinguish the same, or of disorderly conduct likely to prevent the same from being extinguished, or who shall forbid, prevent, or dissuade others from assisting to extinguish the same, shall be guilty of a gross misdemeanor. (4998) [8773]

10261. Engineers who cannot read—Every person who, as an officer of a corporation or otherwise, shall knowingly employ, as an engineer or engine driver to run locomotives or trains on any railway, a person who cannot read the time-tables and ordinary handwriting, and every person who, being unable to read

the time-tables of the road and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor. (4999) [8774]

10262. Intoxication of employees on trains and boats—Every person who, being employed upon any railway as engineer, conductor, baggage master, brakeman, switch tender, fireman, bridge tender, flagman, or signal man; or person having charge of stations, starting, regulating, or running trains upon a railway; or person employed as captain, engineer, or other officer of a vessel propelled by steam—shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor. (5000) [8775]

10263. Failure to ring bell, etc.—Every engineer, driving a locomotive on any railway, who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded, at least eighty rods from any place where such railway crosses a traveled road or street, on the same level (except in cities), or to continue the ringing of such bell or sounding of such whistle at intervals until such locomotive and the train thereto attached shall have completely crossed such road or street, shall be guilty of a misdemeanor. (5001) [8776]

49-245, 51+1044; 59-458, 61+558; 61-78, 63+253; 61-321, 63+742; 68-38, 70+791; 72-47, 74+898, 80+628; 100-309, 111+281; 113-517, 130+8; 191+819.

Record examined in reference to collision between train and automobile at highway crossing and held: Province of jury, on conflicting evidence, to determine whether statutory signals were given. 159-308, 199+3.

The driver of an automobile, approaching a railway crossing under conditions obstructing his view of an approaching train, who omits all precautions for his own safety on the assumption that no train is due, is guilty of contributory negligence as a matter of law. 159-499, 199+562.

High speed may not in itself constitute actionable negligence, but may be such when considered in connection with absence of statutory warnings or safety devices at dangerous and much-used crossings in a village. The evidence justifies findings that negligence of driver of automobile in which decedent was riding was not sole proximate cause of latter's death. The contributory negligence of decedent was a jury question. The driver and decedent were not engaged in a joint enterprise at the time of the accident, so as to impute the driver's negligence to the latter. 160-471, 200+740.

The evidence made a question for the jury as to whether the statutory warnings were given for the crossing. 162-365, 203+47.

10264. Other violations of duty—Every engineer, conductor, brakeman, switch tender, train dispatcher, or any other officer, agent, or servant of any railway company, who shall be guilty of any wilful violation or omission of his duty as such officer, agent, or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor. (5002) [8777]

10265. Liability of persons handling steamboats or steam boilers—Every person who shall apply, or cause to be applied, to a steam boiler a higher pressure of steam than is allowed by law, or by the inspector, officer, or person authorized to limit the same; every captain or other person having charge of the machinery or boiler of a steamboat used for the conveyance of passengers in the waters of this state, who, from ignorance or gross neglect, or for the purpose of increasing the speed of the boat, shall create or cause to be created an undue and unsafe pressure of steam; and every engineer or other person having charge of a steam boiler, steam engine, or other apparatus for generating or employing steam, employed in a railway, manufactory, or other mechanical works, who

shall wilfully, or from ignorance or gross neglect, create, or allow to be created, such an undue quantity of steam as to burst the boiler, engine, or apparatus, or cause any other accident, whereby human life is endangered—shall be guilty of a gross misdemeanor. (5003) [8778]

10266. Dangerous exhibitions—Every proprietor, lessee, or occupant of any place of amusement, or any plat of ground, or building, who shall use or allow it to be used for the exhibition of skill in throwing any sharp instrument at or toward any human being, or who shall aim or discharge, or allow to be aimed or discharged, at or toward any human being, any bow-gun, pistol, or firearm of any description, shall be guilty of a misdemeanor. (5004) [8779]

10267. Acrobatic exhibitions—Every proprietor, occupant, or lessee of any place where acrobatic exhibitions are held, who shall permit any person to perform on any trapeze, rope, pole, or other acrobatic contrivance, without network, or other sufficient means of protection from falling or other accident, shall be guilty of a gross misdemeanor, and for the first offense punished by a fine of two hundred and fifty dollars, and for each subsequent offense by a fine of two hundred and fifty dollars and imprisonment in the county jail for not less than three months nor more than one year. (5005) [8780]

10268. Guarding ice cutting—Every person cutting ice in or upon any waters wholly or partly in the state, for the purpose of removing the ice, at or before the time of commencing such cutting shall surround the cuttings and openings made with fences or guards sufficient to warn all persons of the same, and shall maintain such fence or guard until the ice has again formed in such openings to the thickness of at least six inches. Every such person who shall fail to comply with any requirement of this section shall be guilty of a misdemeanor. (5006) [8781]

147-44, 179+564; 125-168, 145+1078.

10269. Deposit of unwholesome substances—Every person who shall deposit, leave, or keep, on or near a highway or route of public travel, on land or water, any noisome or unwholesome substance; or who shall establish, maintain, or carry on, upon or near a highway or route of public travel, on land or water, any business, trade, or manufacture which is noisome or detrimental to the public health; or who shall deposit or cast into any lake, creek, or river wholly or partly in the state, or shall deposit upon the ice of any such lake, creek, or river, the offal from, or the dead body of, any animal—shall be guilty of a gross misdemeanor, and punished by a fine of not less than one hundred dollars, or imprisonment in the county jail for not less than three nor more than six months. (5007) [8782]

10270. Exposing person with contagious disease—Every person who shall wilfully expose himself or another affected with any contagious or infectious disease, in any public place or thoroughfare, except upon his necessary removal in a manner not dangerous to the public health, shall be guilty of a misdemeanor. (5008) [8783]

10271. Diseased sheep—Every owner or person in charge of sheep, who shall import or drive into the state, or who shall turn out or suffer to run at large, upon any highway or uninclosed lands, or upon any lands adjoining inclosed lands, occupied by any person for pasturing sheep, any sheep having any contagious disease, or who shall sell, let, or dispose of any such sheep, knowing them to be so diseased, without first apprising the purchaser or person taking them of such

disease, shall be guilty of a gross misdemeanor, and punished by a fine of not less than fifty dollars nor more than two hundred dollars. (5009) [8784]

10272. Glandered animals—Every owner or person having the care and control of a horse or other animal having the glanders, who shall knowingly permit such 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. Carcasses of diseased animals to be disposed of—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 livestock sanitary board, through its secretary and executive officer, may issue a permit to owners of rendering plants, provided such rendering plants are operated and conducted as required by law, to remove carcasses of domestic animals and fowl that have died or have been killed on account of disease, over the public highways to their plants for rendering purposes in accordance with the rules and regulations adopted by the livestock sanitary board relative to transportation, rendering, and all other provisions deemed by said board to be necessary to prevent the spread of disease. 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 willfull permit diseased

animals owned or controlled by him to escape his control or to run at large. Every violation of any provision of this act shall be a misdemeanor. (R. L. '05, § 5011; G. S. '13, § 8786; amended '21, c. 486, § 1; '27, c. 218)

10274. Impure water—Every owner, agent, manager, 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

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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

10279. Disturbing meetings—Disorderly conduct—Every person who, without authority of law, shall willfully disturb any assembly or meeting not unlawful in its character, shall be guilty of a misdemeanor, and