

MINNESOTA STATUTES 1945

3989

OFFENSES AGAINST PROPERTY BY FRAUD 620.01

CHAPTER 620

OFFENSES AGAINST PROPERTY BY FRAUD

<p>Sec. MISAPPROPRIATION AND OFFICIAL MISCONDUCT</p> <p>620.01 Misappropriation and falsification of accounts by public officers</p> <p>620.02 Other violations by officers</p> <p>620.03 Misappropriation by county treasurer</p> <p>620.04 Officers not to be interested in contract</p> <p>620.05 False statement regarding taxes</p> <p style="text-align: center;">FORGERY</p> <p>620.06 Definitions</p> <p>620.07 Forgery, first degree</p> <p>620.08 Official false certificate</p> <p>620.09 First degree, how punished</p> <p>620.10 Forgery, second degree</p> <p>620.11 Second degree, how punished</p> <p>620.12 Forgery, third degree</p> <p>620.13 Concealing larceny; forgery</p> <p>620.14 Forging passage tickets</p> <p>620.15 Forging postage or revenue stamps</p> <p>620.16 Forgery in third degree, how punished</p> <p>620.17 Officer of corporation selling shares</p> <p>620.18 Falsely indicating person as corporate officer</p> <p>620.19 Uttering</p> <p>620.20 Uttering writing signed with wrongdoer's name</p> <p style="text-align: center;">COUNTERFEITING; FALSE LABELING OR REGISTRATION</p> <p>620.21 Possession of counterfeit coin</p> <p>620.22 Advertising counterfeit money</p> <p>620.23 Counterfeiting trademark or brand; penalty</p> <p>620.24 Possession of dies or plates; penalty</p> <p>620.243 Manufacture and distribution of tokens, when prohibited</p> <p>620.244 Restrictions as to size of tokens</p> <p>620.245 Knowledge of illegal use presumed</p> <p>620.246 Violation a misdemeanor</p> <p>620.25 Selling goods having false stamp; penalty</p> <p>620.26 Affixing false stamps; penalty</p> <p>620.27 False branding by manufacturer</p> <p>620.28 Trademark; when deemed affixed</p> <p>620.29 Trademarks of workmen's unions</p> <p>620.30 Counterfeiting or dealing in counterfeits; how punished</p> <p>620.31 Registration</p> <p>620.32 Fraudulent registration or use; penalty</p> <p>620.33 Certificates; illegal use; penalty</p> <p>620.34 Incriminating evidence</p> <p>620.35 False stamping of articles of gold or silver</p> <p>620.36 Standards; improper stamping; penalties</p> <p>620.37 Gold plate; false stamping; penalty</p>	<p>Sec.</p> <p>620.38 Silver plate; false stamping; penalty</p> <p>620.39 Violations; punishment</p> <p>620.40 Selling falsely stamped articles; penalty</p> <p>620.41 Issue of labor check without funds a misdemeanor</p> <p>620.42 False certificate of registration of animals; false representation as to breed</p> <p>620.43 Wilful false branding of animals</p> <p style="text-align: center;">FALSE PERSONATIONS; FALSE STATEMENTS</p> <p>620.44 Falsely personating another</p> <p>620.45 Receiving property in false character</p> <p>620.46 Personating an officer</p> <p>620.47 Obtaining signature by false pretenses</p> <p>620.48 False representation as to ownership of land and execution of deed thereto</p> <p>620.49 Obtaining employment by false letter or certificate</p> <p>620.50 False statements to obtain credit</p> <p>620.51 False statements concerning value; exception</p> <p>620.52 False statement in advertisement</p> <p>620.53 False statements as inducement to entering employment</p> <p>620.54 Penalties</p> <p style="text-align: center;">FALSE WEIGHTS AND MEASURES</p> <p>620.55 Using false weights and measures</p> <p>620.56 Containers for small fruits to be of legal size</p> <p>620.57 Not to be refilled</p> <p>620.58 Penalty for violation</p> <p style="text-align: center;">FRAUDS RELATING TO BILLS OF LADING, MANIFESTS, TRANSPORTATION, AND BY BAILEES</p> <p>620.59 Fictitious bills of lading</p> <p>620.60 Fictitious warehouse receipts</p> <p>620.61 Duplicate receipts; selling stored property</p> <p>620.62 Making false manifest, invoice</p> <p>620.63 Fraud by bailee of animals</p> <p>620.64 Employee obtaining transportation with intent to defraud</p> <p style="text-align: center;">VARIOUS FRAUDS</p> <p>620.65 Divulging telegram or telephone message</p> <p>620.66 Performing unpublished dramatic or musical composition; selling copy</p> <p style="text-align: center;">FRAUD; CORPORATION MANAGEMENT</p> <p>620.68 Fraud in stock subscriptions</p> <p>620.69 Fraudulent issue of stock, scrip, or certificate</p> <p>620.70 Director</p> <p>620.71 False reports of corporations</p> <p>620.72 Frauds in keeping accounts</p> <p>620.73 Receiving deposit in insolvent banks</p> <p>620.74 Selling tickets to theaters at greater price</p>
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MISAPPROPRIATION AND OFFICIAL MISCONDUCT

620.01 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.

[R. L. s. 5029] (10302)

620.02 OTHER VIOLATIONS BY OFFICERS. Every officer or other person mentioned in section 620.01 who shall wilfully disobey any provision of law regulating his official conduct in cases other than those specified in that section shall be guilty of a gross misdemeanor, and punished by a fine of not more than \$1,000, or by imprisonment in the county jail for not more than two years, or by both.

[R. L. s. 5030] (10303)

620.03 MISAPPROPRIATION 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 a felony, and punished by imprisonment in the state prison for not less than one year, nor more than five years, or by fine of not less than \$500, nor more than \$10,000, or by both.

[R. L. s. 5031] (10304)

620.04 OFFICERS NOT TO BE 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; provided, that any village or city council, town board, or school board of any town, village, or city of the fourth class, otherwise having authority to designate depository for village, city, town, or school district funds, of any town, village, or city of the fourth class, may designate a bank in which a member of such board is interested as a depository for village, city, town, or school funds of any town, village, or city of the fourth class by a two-thirds vote of such board; and any school board is hereby authorized and permitted to contract with cooperative associations in which one or more members of such council or board is a shareholder or stockholder, but not an officer or manager thereof, if such contract is authorized by the unanimous vote of the entire council or board.

[R. L. s. 5032; 1931 c. 212; 1941 c. 228] (10305)

620.05 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.

[R. L. s. 5033] (10306)

FORGERY

620.06 DEFINITIONS. Within the provisions of this chapter, a "written instrument" or a "writing" includes an instrument partly written and partly printed, or wholly printed, with a written signature thereto, or any signature or writing purporting to be a signature of, or intended to bind, an individual, partnership, corporation, or association, or an officer thereof. The words "forge," "forged," and "forging" include false making, counterfeiting, and the alteration, erasure, or obliteration of a genuine instrument, in whole or in part, the false making or counterfeiting of the signature of a party or witness, and the placing or connecting together, with intent to defraud, of different parts of several genuine instruments. A plate is in the "form and similitude" of the genuine instrument imitated if the finished parts of the engraving thereupon shall resemble and conform to the similar parts of the genuine instrument. A "trademark" 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, wares, merchandise, mixture, preparation, or compound, to denote that the same was imported, manufactured, produced, sold, compounded, bottled, packed, or otherwise prepared by him. An "imitation" of a trademark, stamp, brand, wrapper, or label is that which so far resembles the genuine trademark, stamp,

MINNESOTA STATUTES 1945

3991

OFFENSES AGAINST PROPERTY BY FRAUD 620.10

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 sound, or by any sign, device, or other means.

[R. L. s. 5047] (10321)

620.07 FORGERY, FIRST DEGREE. Every person who, with intent to defraud, shall forge:

(1) A will or codicil, or the attestation thereof, or a deed or other instrument, being or purporting to be the act of another, by which any right or interest in property is or purports to be transferred, conveyed, or in any way charged or affected;

(2) A certificate of the acknowledgment or proof of a will, codicil, deed, or other instrument which may by law be recorded, or given in evidence when duly proved or acknowledged, made or purporting to have been made by a court or officer duly authorized to make such certificate;

(3) A certificate, bond, paper, writing, or other public security issued or purporting to have been issued by or under the authority of this state or of the United States, or of any other state or territory of the United States, or of any foreign government, country, or state, or by any officer thereof in his official capacity, by which the payment of money is promised absolutely or upon any contingency, or the receipt of any money or property is acknowledged, or being or purporting to be evidence of any debt or liability, either absolute or contingent, issued or purporting to have been issued by lawful authority;

(4) An endorsement or other instrument transferring or purporting to transfer the right or interest of any holder of such a certificate, obligation, public security, evidence of debt or liability, or of any person entitled to such right or interest;

(5) A certificate of stock, bond, or other writing, bank note, bill of exchange, draft, check, certificate of deposit, or other obligation or evidence of debt, issued or purporting to be issued by any bank, banking association, or body corporate existing under the laws of this state or of the United States, or of any other state, government, or country, declaring or purporting to declare any right, title, or interest of any person in any portion of the capital stock or property of such body corporate, or promising or purporting to promise or agree to the payment of money, or the performance of any act, duty, or obligation; or

(6) An endorsement or other writing transferring or purporting to transfer the right or interest of any holder of such certificate, bond, or writing obligatory, or of any person entitled to such right or interest—

Shall be guilty of forgery in the first degree.

[R. L. s. 5048] (10322)

620.08 OFFICIAL FALSE CERTIFICATE. Every officer authorized to take the proof or acknowledgment of an instrument which by law may be recorded, who shall wilfully certify falsely that the execution of such instrument was acknowledged by any party thereto, or that the execution thereof was proved, shall be guilty of forgery in the first degree.

[R. L. s. 5049] (10323)

620.09 FIRST DEGREE, HOW PUNISHED. Forgery in the first degree shall be punished by imprisonment in the state prison for not more than 20 years.

[R. L. s. 5050] (10324)

620.10 FORGERY, SECOND DEGREE. Every person who, with intent to defraud:

(1) Shall forge the great seal of this state, the seal of any court of record, or of any public office or officer authorized by law, or of any body corporate created by or existing under the laws of this state or of the United States, or of any other state or any territory of the United States, or of any other state, government, or country, or any impression of such a seal, or any gold or silver coin, whether of the United States, or of any foreign state, government, or country;

(2) Shall forge a record of a will, conveyance, or instrument of any kind, the record of which is by the law of this state made evidence, or of any judgment, order, or decree of any court or officer, or a certified or authenticated copy thereof;

A judgment roll, judgment, order, or decree of any court or officer, or an enrollment thereof, or a certified or authenticated copy thereof;

Any document or writing purporting to be such judgment, decree, enrollment, or copy;

An entry made in any book of record or accounts kept by or in the office of any officer of this state, or of any village, city, town, school district, or county of the

state, by which any demand, claim, obligation, or interest in favor of or against the people of the state, or any city, village, borough, town, school district, or county, or any officer thereof, is or purports to be created, increased, diminished, discharged, or in any manner affected; or an entry made in any book of records or accounts kept by a corporation doing business within the state, or in any account kept by such a corporation, whereby any pecuniary obligation, claim, or credit is or purports to be created, increased, diminished, discharged, or in any manner affected;

An instrument, document, or writing, being or purporting to be a process or mandate issued by a competent court, magistrate, or officer of the state, or the return of an officer, court, or tribunal, to such a process or mandate; or a bond, recognizance, undertaking, pleading, or proceeding, filed or entered in any court of the state; or a certificate, order, or allowance by a competent court or officer; or a license or authority granted pursuant to any statute of the state; or a certificate, document, instrument, or writing made evidence by any law;

An instrument or writing, being or purporting to be the act of another, by which a pecuniary demand or obligation is or purports to be or to have been created, increased, discharged, or diminished, or in any manner affected, or by which any rights or property whatever are or purport to be or to have been created, transferred, conveyed, discharged, increased, or diminished, or in any manner affected, the punishment for forging, altering, or counterfeiting which is not hereinbefore prescribed, by which false making, forging, altering, or counterfeiting any person may be bound, affected, or in any way injured in his person or property;

(3) Shall make or engrave a plate in the form or similitude of a promissory note, bill of exchange, bank note, draft, check, certificate of deposit, or other evidence of debt issued by a banker or by any banking corporation or association incorporated or carrying on business under the laws of this state or of the United States, or of any other state of the United States; or of any foreign government or country, without the authority of such banker or banking corporation or association; or

Without like authority, shall have in his possession or custody such a plate, with intent to use, or permit the same to be used, for the purpose of taking therefrom any impression to be uttered;

Without like authority, shall have in his possession or custody any impression taken from such a plate, with intent to have the same filled up and completed for the purpose of being uttered; or

Shall make or engrave, or cause to be made or engraved, upon any plate, any figures or words, with intent that the same may be used for the purpose of falsely altering any evidence of debt hereinbefore mentioned—

Shall be guilty of forgery in the second degree.

[R. L. s. 5051] (10325)

620.11 SECOND DEGREE, HOW PUNISHED. Forgery in the second degree shall be punished by imprisonment in the state prison for not more than ten years.

[R. L. s. 5052] (10326)

620.12 FORGERY, THIRD DEGREE. Every person who:

(1) Being an officer or in the employment of a corporation, association, partnership, or individual, shall falsify, or unlawfully and corruptly, alter, erase, obliterate, or destroy any accounts, book of accounts, records, or other writing belonging or appertaining to the business of the corporation, association, partnership, or individual;

(2) With intent to injure or defraud, shall falsely make, alter, forge, or counterfeit, or shall cause, aid, abet, assist, or otherwise connive at or be a party to the making, altering, forging, or counterfeiting of, any letter, telegram, report, or other written communication, paper, or instrument, by which making, altering, forging, or counterfeiting any other person shall be in any manner injured in his good name, standing, position, or general reputation;

(3) Shall utter, or shall cause, aid, abet, or otherwise connive at or be a party to the uttering of, any letter, telegram, report, or other written communication, paper, or instrument purporting to have been written or signed by another person, or any paper purporting to be a copy of any such paper or writing where no original existed, which letter, telegram, report, or other written communication, paper, or instrument, or other paper purporting to be a copy thereof, the person uttering the same shall know to be false, forged, or counterfeited, and by the uttering of which

MINNESOTA STATUTES 1945

3993

OFFENSES AGAINST PROPERTY BY FRAUD 620.18

the sentiments, opinions, conduct, character, prospects, interests, or rights of such other person shall be misrepresented or otherwise injuriously affected;

(4) With intent to defraud, shall forge, alter, or counterfeit any certificate, card, seal, or receipt for dues, purporting to have been given or issued by any association of railway employees, or any labor organization, trade union, or association of mechanics or laboring men, or any officer or agent thereof, to its members;

(5) With intent to defraud, shall forge, alter, or counterfeit any letter or certificate purporting to have been given by any corporation or person, or officer or agent thereof, showing the capacity in which he had been employed by such corporation or person, or the date and cause of his leaving such service;

(6) With intent to defraud, shall utter or publish as true any false, altered, forged, or counterfeit letter, certificate, card, seal, or receipt, the forging, altering, or counterfeiting of which is herein prohibited—

Shall be guilty of forgery in the third degree.

[R. L. s. 5053] (10327)

620.13 CONCEALING LARCENY, FORGERY. Every person who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property:

(1) Shall alter, erase, obliterate, or destroy any account, book of accounts, record, or writing belonging or appertaining to the business of a corporation, association, public office, officer, partnership, or individual;

(2) Shall make a false entry in any such account or book of accounts; or

(3) Shall wilfully omit to make a true entry of any material particular in any such account, or book of accounts, made, written, or kept by him or under his direction—

Shall be guilty of forgery in the third degree.

[R. L. s. 5054] (10328)

620.14 FORGING PASSAGE TICKETS. Every person who, with intent to defraud, shall forge, counterfeit, or falsely alter any ticket, check, or other paper or writing entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railway, vessel, or other public conveyance, or who, with like intent, shall sell, exchange, deliver, keep, or offer for sale, exchange, or delivery, or receive upon any purchase, exchange, or delivery, any such ticket, knowing the same to have been forged, counterfeited, or falsely altered, shall be guilty of forgery in the third degree.

[R. L. s. 5055] (10329)

620.15 FORGING POSTAGE OR REVENUE STAMPS. Every person who shall forge, counterfeit, or alter any postage or revenue stamp of the United States, or who shall sell, offer, or keep for sale, as genuine or as forged, any such stamp, knowing it to be forged, counterfeit, or falsely altered, shall be guilty of forgery in the third degree.

[R. L. s. 5056] (10330)

620.16 FORGERY IN THIRD DEGREE, HOW PUNISHED. Forgery in the third degree shall be punished by imprisonment in the state prison for not more than five years.

[R. L. s. 5057] (10331)

620.17 OFFICER OF CORPORATION SELLING SHARES. Every officer, agent, or other person employed by any company or corporation, domestic or foreign, who shall wilfully, and with a design to defraud, sell, pledge, or issue, or cause to be sold, pledged, or issued, or who shall sign, or procure to be signed, with intent to sell, pledge, or issue, or cause to be sold, pledged, or issued, a false, forged, or fraudulent paper, writing, or instrument, being or purporting to be a scrip, certificate, or other evidence of the ownership or transfer of any share of the capital stock of such company or corporation, or a bond or other evidence of debt of such company or corporation, or a certificate or other evidence of the ownership or of the transfer of any such bond or other evidence of debt, shall be guilty of forgery in the third degree; and, upon conviction, in addition to the prescribed punishment for that offense, may also be sentenced to pay a fine of not more than \$3,000.

[R. L. s. 5058] (10332)

620.18 FALSELY INDICATING PERSON AS CORPORATE OFFICER. The false making or forging of an instrument or writing purporting to have been issued by or in behalf of a corporation or association, state or government, and bearing the pretended signature of any person therein falsely indicated as an agent or

officer of such corporation, is forgery in the same degree as if that person was in truth such officer or agent of the corporation, association, state, or government.

[R. L. s. 5059] (10333)

620.19 UTTERING. Every person who, knowing the same to be forged or altered, and with intent to defraud, shall utter, offer, dispose of, or put off as true, or have in his possession with intent to utter, offer, dispose of, or put off:

(1) A forged seal or plate, or any impression of either;

(2) A forged coin; or

(3) A forged will, deed, certificate, endorsement, record, instrument, or writing, or other thing, the false making, forging, or altering of which is punishable as forgery—

Shall be guilty of forgery in the same degree as if he had forged the same.

[R. L. s. 5060] (10334)

620.20 UTTERING WRITING SIGNED WITH WRONGDOER'S NAME. When the false making or uttering of any instrument or writing is forgery in any degree, every person who, with intent to defraud, shall offer, dispose of, or put off such an instrument or writing subscribed or endorsed in his own name, or that of any other person, whether such signature be genuine or fictitious, under the pretense that such subscription or endorsement is the act of another person of the same name, or of a person not in existence, shall be guilty of forgery in the same degree.

[R. L. s. 5061] (10335)

COUNTERFEITING; FALSE LABELING OR REGISTRATION

620.21 POSSESSION OF COUNTERFEIT COIN. Every person who shall have in his possession a counterfeit of any gold or silver coin, whether of the United States or any foreign country or government, knowing the same to be counterfeit, with intent to sell, utter, use, circulate, or export the same as true or as false, or to cause the same to be so uttered or used, shall be punished by imprisonment in the state prison for not more than five years, or by fine of not more than \$500.00, or by both.

[R. L. s. 5062] (10336)

620.22 ADVERTISING COUNTERFEIT MONEY. Every person who, with intent to defraud, shall print, circulate, or distribute a letter, circular, card, pamphlet, handbill, or any other written or printed matter, offering or purporting to offer, for sale, exchange, or as a gift, counterfeit coin, or paper money, or giving or purporting to give information where counterfeit coin or paper money can be procured, shall be punished by imprisonment in the state prison for not more than five years, or by fine of not more than \$500, or by both.

[R. L. s. 5063] (10337)

620.23 COUNTERFEITING TRADEMARK OR BRAND; PENALTY. Every person who shall knowingly and wilfully forge or counterfeit, or procure to be forged or counterfeited, any representation, likeness, similitude, copy or imitation of the private stamp, brand, wrapper, label, or trademark usually affixed by any mechanic, manufacturer, druggist, merchant, or tradesman to or upon his goods, wares, merchandise, or preparation, 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 be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not less than six, nor more than 12, months, or by a fine of not more than \$5,000.

[R. L. s. 5066] (10340)

620.24 POSSESSION OF DIES OR PLATES; PENALTY. Every person who, with intent to defraud any person or corporation, shall have in his possession any die, plate, brand, engraving, or printed label, stamp, imprint, wrapper, or trademark, or any representation, likeness, similitude, copy, or imitation of the private stamp, brand, wrapper, label, or trademark, usually affixed by a mechanic, manufacturer, druggist, merchant, or tradesman to or upon articles made, manufactured, prepared, or compounded by him for the purpose of making impressions or selling the same when made, or using it 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 corporation, or who shall wrongfully and fraudulently sell or use the genuine stamp, brand, imprint, wrapper, label, or trademark, with intent to pass off any goods, wares, merchandise,

MINNESOTA STATUTES 1945

3995

OFFENSES AGAINST PROPERTY BY FRAUD 620.27

mixtures, compounds, or other articles not the manufacture of the person or corporation to whom such stamp, brand, imprint, wrapper, label, or trademark properly belongs, as genuine and original, shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not less than six, nor more than 12, months, or by fine of not more than \$5,000.

[R. L. s. 5067] (10341)

620.243 MANUFACTURE AND DISTRIBUTION OF TOKENS, WHEN PROHIBITED. The manufacture, sale, offering for sale, advertising for sale, or distribution of tokens, checks, or slugs similar in size and shape to lawful coin of the United States with knowledge or reason to believe that such tokens, checks, or slugs may be used in substitution for any such lawful coin in any vending machine, parking meter, service meter, coin-box telephone, or other coin receptacle designed to receive or be operated only by lawful coin of the United States in connection with the sale, use, or enjoyment of property, privilege, or service, is hereby prohibited.

[1941 c. 132 s. 1]

620.244 RESTRICTIONS AS TO SIZE OF TOKENS. No person shall manufacture, sell, or offer for sale or distribute any checks, tokens, or slugs unless they shall be either five per cent larger or five per cent smaller in diameter than any lawful coin of the United States.

[1941 c. 132 s. 2]

620.245 KNOWLEDGE OF ILLEGAL USE PRESUMED. In the trial of a defendant for violation of the provisions of sections 620.243 to 620.246, knowledge or reason to believe, within the meaning thereof, shall be deemed to exist upon the presentation of proof to the court that any county attorney, sheriff, or chief of police in the state, or a deputy or delegate of such officer, has given written notice to the defendant that tokens, checks, or slugs of the kind manufactured, sold, offered for sale, advertised for sale, or distributed by him are being used in substitution for lawful coin in the operation of any such coin receptacle or machine; provided that such notice shall have been given prior to the time of the manufacture, sale, offering for sale, advertising for sale, or distribution of such tokens, checks, or slugs for which the defendant is being tried.

[1941 c. 132 s. 3]

620.246 VIOLATION A MISDEMEANOR. Any person, firm, or corporation violating the provisions of sections 620.243 to 620.245 shall be guilty of a misdemeanor.

[1941 c. 132 s. 4]

620.25 SELLING GOODS HAVING FALSE STAMP; PENALTY. Every person who shall sell or keep for sale any goods, wares, merchandise, mixture, or preparation upon which any forged or counterfeit stamp, brand, imprint, wrapper, label, or trademark shall be placed or affixed, and intended to represent those goods, wares, merchandise, mixture, or preparation as the genuine article of any other person, knowing the same to be counterfeit, shall be guilty of a gross misdemeanor, and punished by a fine of not more than \$500 for each offense.

[R. L. s. 5068] (10342)

620.26 AFFIXING FALSE STAMPS; PENALTY. Every person who, with intent to defraud any person or corporation, shall 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 trademark containing words or characters which shall appear, wholly or in part, the same to the eye or in sound to the ear as the words or characters, or some of them, used by any other person for designating any similar goods manufactured or prepared by or for such other person, 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 be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not less than six, nor more than 12, months, or by a fine of not more than \$5,000.

[R. L. s. 5069] (10343)

620.27 FALSE BRANDING BY MANUFACTURER. Every person who, with intent to defraud, or enable another to defraud, any person, shall manufacture or knowingly sell, or cause to be manufactured or sold, any article marked, stamped, or branded, or encased or enclosed in any box, bottle, or wrapper having thereon any engraving or printed label, stamp, imprint, mark, or trademark, which articles are not the manufacture, workmanship, or production of the person named, indi-

cated, or denoted by such mark, stamp, or brand or by or upon such engraving, printed label, stamp, imprint, mark, or trademark, shall be guilty of a gross misdemeanor.

[R. L. s. 5070] (10344)

620.28 TRADE-MARK; WHEN DEEMED AFFIXED. A trade-mark shall be deemed to be affixed to any goods, wares, merchandise, mixture, preparation, or compound, when it is in any manner placed in or upon either the article itself, or 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, enclosed, or otherwise prepared for sale or disposition.

[R. L. s. 5071] (10345)

620.29 TRADE-MARKS OF WORKMEN'S UNIONS. When any person, or any association or union of workmen, shall have adopted or used any label, trade-mark, term, design, device, or form of advertisement for the purpose of designating, making known, or distinguishing any product of labor as having been made, produced, prepared, packed, or put on sale by such person, association, or union, or by a member thereof, it shall be unlawful to counterfeit or imitate the same, or to use, sell, offer for sale, or in any way utter or circulate, any counterfeit or imitation of any such label, trademark, term, design, device, or form of advertisement.

[R. L. s. 5072] (10346)

620.30 COUNTERFEITING OR DEALING IN COUNTERFEITS; HOW PUNISHED. Every person who shall counterfeit or imitate any such label, trademark, term, design, device, or form of advertisement, or shall sell, offer for sale, or in any way utter or circulate any counterfeit or imitation thereof; or who shall keep or have in his possession, with intent that the same shall be sold or disposed of, any product of labor to or upon which any such counterfeit or imitation is attached, affixed, or impressed; or who shall knowingly sell or dispose of any product of labor contained in any box, case, can, or package to or upon which any such counterfeit or imitation is attached, affixed, or impressed; or who shall have in his possession, with intent that the same shall be sold or disposed of, any product of labor in any box, case, can, or package to which or upon which any such counterfeit or imitation is attached, affixed, or impressed, shall be punished by imprisonment in the county jail for not more than three months, or by a fine of not more than \$100.

[R. L. s. 5073] (10347)

620.31 REGISTRATION. Every such label, trademark, term, device, design, or form of advertisement may be filed for record in the office of the secretary of state on payment of a fee of \$1.00 each. In so filing the same, two copies, counterparts, or facsimiles thereof, shall be left with such secretary, together with a sworn statement specifying the names of the persons, association, or union in whose behalf the same is filed, the class and description of the goods or products of labor to which it is or is intended to be appropriated, that the party in whose behalf the same is filed has the sole right to its use, and that the counterparts or facsimiles filed are correct. No label, trademark, term, design, device, or form of advertisement shall be so filed or recorded which could reasonably be mistaken for one theretofore filed.

[R. L. s. 5074] (10348)

620.32 FRAUDULENT REGISTRATION OR USE; PENALTY. Every person who shall, for himself, or on behalf of any other person, association, or union, procure the filing of any label, trademark, term, design, device, or form of advertisement with such secretary under the foregoing provisions by any fraudulent means, and every person who shall use the name or seal of any such person, association, or union, or officer thereof, in or with reference to the sales of goods or products of labor, not being authorized to use the same, shall be guilty of a misdemeanor.

[R. L. s. 5075] (10349)

620.33 CERTIFICATES; ILLEGAL USE; PENALTY. Such secretary shall deliver to the person, association, or union filing any such label, trademark, term, design, device, or form of advertisement such number of certificates of the record thereof as shall be applied for, on payment of a fee of \$1.00 for each certificate, and such certificates shall in all cases be prima facie evidence of the adoption of such label, trademark, term, design, device, or form of advertisement. Every person who, without authority of the owner thereof, shall use or display the genuine label,

MINNESOTA STATUTES 1945

3997

OFFENSES AGAINST PROPERTY BY FRAUD 620.36

trademark, term, design, device, or form of advertisement of any such person, association, or union, shall be guilty of a misdemeanor.

[R. L. s. 5076] (10350)

620.34 INCRIMINATING EVIDENCE. No testimony or evidence given or produced in a civil action, or on any reference or other proceeding in such action, by any party thereto or any witness therein, shall be used in any criminal prosecution against such witness or party under the provisions of this chapter, nor shall any party or witness refuse to testify or produce books or papers as evidence in any civil action by reason of such provisions.

[R. L. s. 5077] (10351)

620.35 FALSE STAMPING OF ARTICLES OF GOLD OR SILVER. Any person, firm, corporation, or association, who or which make for sale any article of merchandise made, in whole or in part, of gold or any alloy of gold, having stamped, branded, engraved or printed thereon, or upon any card, tag, or label attached thereto, or upon any box, package, or wrapper, in which such article is encased or enclosed any mark, indicating or designed or intended to indicate, that the gold or alloy of gold of such article is of a greater degree of fineness than the actual fineness or quality of such gold or alloy, unless the actual fineness of such gold or alloy, in the case of flatware and watch cases be not less by more than three 1,000ths parts, and, in the case of all other articles, be not less by more than one-half karat than the fineness indicated by the marks stamped, branded, engraved, or imprinted upon any part of such article or upon any cards, tags, or labels attached thereto, or upon any box, package, or wrapper in which such article is encased or enclosed according to the standards and subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; provided, that in any test for the ascertainment of the fineness of the gold or its alloy in any such article, according to the foregoing standards, the part of the gold or its alloy taken for the test analysis or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of the article; provided, further, and in addition to the foregoing tests and standards, that the actual fineness of the entire quantity of gold and of its alloys contained in any article mentioned in this section, except watch cases and flatware, including all solder or alloy of inferior metal used for brazing or uniting the parts of the article (all such gold, alloy, and solders being assayed as one piece) shall not be less by more than one karat than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which the article is encased or enclosed.

[1907 c. 467 s. 1] (10352)

620.36 STANDARDS; IMPROPER STAMPING; PENALTIES. Any person, firm, corporation, or association, who or which makes for sale any article of merchandise made, in whole or in part, of silver or any alloy of silver, and having marked, stamped, branded, engraved, or printed thereon, or upon any card, tag, or label attached thereto, or upon any box, package, cover, or wrapper in which the article is encased or enclosed, the words "sterling silver" or "sterling," or any colorable imitation thereof, unless 925-1,000ths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; provided, that in case of all such articles there shall be allowed divergence of fineness of four-1,000ths parts from this standard.

Any person, firm, corporation, or association, who or which makes for sale any article of merchandise made, in whole or in part, of silver, or of any alloy of silver, and having marked, stamped, branded, engraved, or imprinted thereon or upon any card, tag, or label attached thereto, or upon any box, package, cover, or wrapper in which the article is encased or enclosed, the words "coin" or "coin silver," or any colorable imitation thereof, unless 900-1,000ths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; provided, that in the case of all such articles there shall be allowed a divergence in fineness of four-1,000ths parts from this standard.

Any person, firm, corporation, or association, who or which makes for sale any article of merchandise made, in whole or in part, of silver, or of any alloy of silver, and having stamped, branded, engraved, or imprinted thereon or upon any tag,

card, or label attached thereto, or upon any box, package, cover, or wrapper, in which the article is encased or enclosed, any mark or word, other than the word "sterling" or the word "coin," indicating or designed or intended to indicate that the silver or alloy of silver, in the article, is of greater degree of fineness or quality of such silver or alloy, unless the actual fineness of silver or alloy of silver of which the article is composed be not less than four-1,000ths parts than the actual fineness indicated by the mark or word, other than the word "sterling" or "coin," stamped, branded, engraved, or imprinted upon any part of the article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which the article is encased or enclosed, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.

In any test for the ascertainment of the fineness of any such article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay, shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article. In addition to the foregoing test and standards that the actual fineness of the entire quantity of metal purporting to be silver contained in any article mentioned in this section, including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such article (all such silver alloy or solder being assayed as one piece) shall not be less by more than ten ten-1,000ths parts than the fineness indicated according to the foregoing standards by the mark stamped, branded, engraved, or imprinted upon the article, or upon any card, tag, or label attached thereto, or upon any box, package, cover, or wrapper in which the article is encased or enclosed.

[1907 c. 467 s. 2] (10353)

620.37 GOLD PLATE; FALSE STAMPING; PENALTY. Any person, firm, corporation, or association, who or which makes for sale any article of merchandise made, in whole or in part, of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto a plate, plating, covering, or sheet of gold or of any alloy of gold, and which article is known in the market as "rolled gold plate," "gold plate," "gold filled," or "gold electro plate," or by any similar designation, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which the article is encased or enclosed, any word or mark usually employed to indicate the fineness of gold, unless the word be accompanied by other words plainly indicating that the article, or some part thereof, is made of rolled gold plate, or gold plate, or gold electro plate, or is gold filled, as the case may be, is guilty of a misdemeanor.

[1907 c. 467 s. 3] (10354)

620.38 SILVER PLATE; FALSE STAMPING; PENALTY. Any person, firm, corporation, or association, who or which makes for sale any article of merchandise made, in whole or in part, of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto, a plate, plating, covering, or sheet of silver, or of any alloy of silver, and which article is known in the market as "silver plate" or "silver electro plate," or by any similar designation, and having stamped, branded, engraved, or imprinted thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which the article is encased or enclosed, the word "sterling," or the word "coin," either alone or in conjunction with any other words or marks, is guilty of a misdemeanor.

[1907 c. 467 s. 4] (10355)

620.39 VIOLATIONS; PUNISHMENT. Every person, firm, corporation, or association guilty of a violation of sections 620.35 to 620.38, and every officer, manager, director, or managing agent of any such person, firm, corporation, or association directly participating in such violation or consenting thereto, shall be punished by a fine of not more than \$500, or by imprisonment for not more than three months, or by both, at the discretion of the court; provided, that if the person charged with violation of sections 620.35 to 620.38 shall prove that the article concerning which the charge is made was manufactured prior to the first day of July, 1907, then the charge shall be dismissed.

[1907 c. 467 s. 5] (10356)

620.40 SELLING FALSELY STAMPED ARTICLES; PENALTY. Every person, firm, corporation, or association who, with intent to deceive, shall sell any article, falsely branded or marked, contrary to the provisions of sections 620.35 to 620.39,

MINNESOTA STATUTES 1945

3999

OFFENSES AGAINST PROPERTY BY FRAUD 620.46

knowing the same to be so falsely marked or branded, shall be guilty of a misdemeanor.

[1907 c. 467 s. 6] (10357)

620.41 ISSUE OF LABOR CHECK WITHOUT FUNDS A MISDEMEANOR. Every person, firm, or corporation who shall issue any check, draft, or order upon a bank or other depository for the payment of money in payment of wages to any laborer or employee without having sufficient funds in, or credit in, such bank or other depository for the payment of such check, draft, or order in full upon its presentation, shall be guilty of a misdemeanor.

[1931 c. 282] (10357-1)

620.42 FALSE CERTIFICATE OF REGISTRATION OF ANIMALS; FALSE REPRESENTATION AS TO BREED. 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, or other register of any such association, society, or company, or a transfer of any such registration, and every person who shall knowingly represent any animal used for breeding purposes to be of a greater degree of any particular strain of blood than such animal actually possesses, shall be guilty of a gross misdemeanor, and punished by imprisonment in the county jail for not more than six months, or by a fine of not more than \$250.

[R. L. s. 5064] (10338)

620.43 WILFUL FALSE BRANDING OF ANIMALS. Every person who shall wilfully mark any of his horses, cattle, sheep, or hogs with the same mark or brand previously recorded by any other resident of the same county, and while such mark is still used by such other resident, or shall wilfully mark or brand the horses, cattle, sheep, or hogs of any other person with his own brand or mark, or shall wilfully destroy or alter any mark or brand upon any horses, cattle, sheep, or hogs of another, shall be guilty of a misdemeanor.

[R. L. s. 5065] (10339)

FALSE PERSONATIONS; FALSE STATEMENTS

620.44 FALSELY PERSONATING ANOTHER. Every person who shall falsely personate another, and in such assumed character shall:

(1) Marry or pretend to marry or to sustain the marriage relation towards another;

(2) Become bail or surety for a party in an action or special proceeding, civil or criminal, before a court or officer authorized to take such bail or surety;

(3) Confess a judgment;

(4) Subscribe, verify, publish, acknowledge, or prove a written instrument which by law may be recorded, with intent that the same may be delivered or used as true; or

(5) Do any other act in the course of any action or proceeding whereby, if it were done by the person falsely personated, such person might in any event become liable to an action or special proceeding, civil or criminal, or to pay a sum of money, or to incur a charge, forfeiture, or penalty, or whereby any benefit might accrue to the offender or to any other person—

Shall be punished by imprisonment in the state prison for not more than five years; but no indictment can be found for the crime specified in clause (1) of this section except upon complaint of the person injured, if living, and within a year after its commission.

[R. L. s. 5102] (10383)

620.45 RECEIVING PROPERTY IN FALSE CHARACTER. Every person who shall falsely personate another, and in such assumed character receive any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person who is not entitled thereto, shall be punished in the same manner and to the same extent as for larceny of the money or property so received.

[R. L. s. 5103] (10384)

620.46 PERSONATING AN OFFICER. Every person who shall falsely personate a public officer, civil or military, or a policeman, or a private individual

having special authority by law to perform an act affecting the rights or interests of another, or who, without authority, shall assume any uniform or badge by which such an officer or person is lawfully distinguished, and in such assumed character shall do an act purporting to be official, whereby another is injured or defrauded, shall be guilty of a gross misdemeanor.

[R. L. s. 5104] (10385)

620.47 OBTAINING SIGNATURE BY FALSE PRETENSES. Every person who, with intent to cheat or defraud another, shall designedly, by color or aid of a false token or writing or other false pretense, obtain the signature of any person to a written instrument, shall be punished by imprisonment in the state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than three times the value of the money or property affected or obtained thereby, or by both.

[R. L. s. 5105] (10386)

620.48 FALSE REPRESENTATION AS TO OWNERSHIP OF LAND AND EXECUTION OF DEED THERETO. Every person who shall falsely and fraudulently represent that he is the owner of any parcel or tract of land to which he has no title, and execute a deed of the same, with intent to defraud any other person, shall be punished by imprisonment in the state prison for not more than two years, nor less than six months.

[R. L. s. 5106] (10386a)

620.49 OBTAINING EMPLOYMENT BY FALSE LETTER OR CERTIFICATE. Every person who shall obtain employment, or appointment to any office or place of trust, by color or aid of any false or forged letter or certificate of recommendation, shall be guilty of a misdemeanor.

[R. L. s. 5107] (10387)

620.50 FALSE STATEMENTS TO OBTAIN CREDIT. Any person who, individually or in a representative capacity:

(1) Shall knowingly make a false statement, in writing, to any person, firm, or corporation engaged in banking or to any savings bank or trust company respecting his own financial condition, or the financial condition of any person, firm, or corporation, for the purpose of procuring a loan or credit in any form, or an extension of credit from such person, firm, or corporation to whom such false statement is made, either for his own use, or for the use of any person, firm, or corporation; or

(2) Having previously made, or having knowledge that another has previously made, a statement in writing to any person, firm, or corporation engaged in banking or to any savings bank or trust company respecting his own financial condition, or the financial condition of any person, firm, or corporation, shall afterwards, on the faith of such statement, procure from such person, firm, or corporation to whom any such previous statement has been made, either for his own use or for the use of any person, firm, or corporation, a loan or credit in any form, or an extension of credit, knowing at the time of procuring the same that such previously made statement is in any material particular false with respect to the financial condition of himself or of any firm or corporation at the time of procuring such loan, credit, or extension of credit; or

(3) Shall deliver to any note broker, or other agent, for the sale or negotiation of commercial paper to any person, firm, or corporation engaged in banking, or to any savings bank or trust company, any statement in writing, knowing the same to be false, respecting his own financial condition or the financial condition of any person, firm, or corporation, for the purpose or with the intent of having such statement used in furtherance of the sale, pledge, or negotiation of any note, bill, or other instrument for the payment of money, made or endorsed or accepted, or owned, in whole or in part, by him individually, or by any person, firm, or corporation; or

(4) Having previously delivered or having knowledge that another has previously delivered to any note broker, or other agent, for the sale or negotiation of commercial paper described in clause (3), a statement in writing respecting his own financial condition or the financial condition of any person, firm, or corporation, shall afterwards deliver to any such note broker or other such agent, for the purpose of sale, pledge, or negotiation, on the faith of any such statement, any note, bill, or other instrument for the payment of money made, endorsed, accepted or owned, in whole or in part, either by himself or by any person, firm, or corporation, knowing at the time that such previously delivered statement is in any material particular

MINNESOTA STATUTES 1945

4001

OFFENSES AGAINST PROPERTY BY FRAUD 620.54

false as to the present financial condition of himself, or any person, firm, or corporation, shall be guilty of a gross misdemeanor and punishable by fine of not exceeding \$1,000, or by imprisonment for not exceeding five years, or by both.

[1909 c. 431 s. 1] (10388)

620.51 FALSE STATEMENTS CONCERNING VALUE; EXCEPTION. Any person who knowingly makes or publishes any book, prospectus, notice, report, statement, exhibit, or other publication containing any statement which is wilfully false and which is intended to give and does give a substantially greater or less apparent value to the shares, bonds, or property, or any part thereof, of any corporation, joint stock association, copartnership, or individual, than those shares, bonds, property, or any part thereof, shall in fact possess, shall be deemed guilty of a felony. Nothing herein contained shall apply to any report or statement made to any commercial agency or any report or statement solicited by the person, firm, or corporation to whom it is made.

[1909 c. 479 s. 1] (10389)

620.52 FALSE STATEMENT IN ADVERTISEMENT. Any person, firm, corporation, or association who, with intent to sell or in anywise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation, or association, directly or indirectly, to the public, for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, label, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or any thing so offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading, shall be guilty of a misdemeanor.

The duty of a strict observance and enforcement of this law and prosecution for any violation thereof is hereby expressly imposed upon the commissioner of agriculture, dairy, and food, and it shall be the duty of the county attorney of any county wherein a violation of this section shall have occurred, upon complaint being made to him, to prosecute any person violating any of the provisions of this section.

[1913 c. 51 s. 1; 1915 c. 309 ss. 1, 2] (10390, 10391)

620.53 FALSE STATEMENTS AS INDUCEMENT TO ENTERING EMPLOYMENT. It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, doing business in this state, directly or through any agent or attorney, to induce, influence, persuade, or engage any person to change from one place to another in this state, or to change from any place in any state, territory, or country to any place in this state, to work in any branch of labor through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary conditions relating to or surrounding it, or failure to state in any advertisement, proposal, or contract for the employment that there is a strike or lockout at the place of the proposed employment, when in fact such strike or lockout then actually exists in such employment at such place. Any such unlawful acts shall be deemed a false advertisement or misrepresentation for the purposes of this section and section 620.54.

[1913 c. 544 s. 1; 1923 c. 272 s. 1] (10392)

620.54 PENALTIES. Any person, firm, association, or corporation violating any provision of section 620.53 and this section shall be guilty of a misdemeanor. Any person who shall be influenced, induced, or persuaded to enter or change his employment or change his place of employment through or by means of any of the things prohibited in section 620.53, shall have a right of action for the recovery of all damages that he shall have sustained in consequence of the false or deceptive representations, false advertising, or false pretenses used to induce him to enter into or change his place of employment, against any person, firm, association, or corporation directly or indirectly causing such damage; and, in addition to all such actual damages such person may have sustained, shall have the right to recover such reasonable attorneys' fees as the court shall fix, to be taxed as costs in any judgment recovered.

[1913 c. 544 s. 2; 1923 c. 272 s. 2] (10393)

FALSE WEIGHTS AND MEASURES

620.55 USING FALSE WEIGHTS AND MEASURES. Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure, or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly delivering less than the quantity he represents; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the foregoing provisions of this section; or who shall knowingly mark or stamp false or short weights or false tare on any cask or package, or knowingly sell or offer for sale any cask or package so marked, shall be guilty of a misdemeanor.

[R. L. s. 5115] (10401)

620.56 CONTAINERS FOR SMALL FRUITS TO BE OF LEGAL SIZE. It shall be unlawful for any person to sell, offer for sale, or give away, any containers for the distribution of berries or small fruits in less quantities than one bushel, unless the containers are of the capacity of one quart, one pint, or one-half pint, or multiples of a quart standard dry measure, and all sales of raspberries, blackberries, blueberries, currants, gooseberries, strawberries, and similar berries, and all plums, cherries, and similar small fruit, in less quantities than one bushel shall be by dry measure, or in containers as above specified. The possession of containers for berries or small fruit shall be presumptive evidence that they were to be used for distribution.

[1913 c. 66 s. 1] (10402)

620.57 NOT TO BE REFILLED. In no case shall such containers be refilled for use in the sale of berries or small fruits of any kind whatsoever.

[1913 c. 66 s. 2] (10403)

620.58 PENALTY FOR VIOLATION. Any person violating the provisions of sections 620.56 and 620.57 shall be guilty of a misdemeanor and punished by a penalty of not less than \$10.00, nor more than \$100, or by imprisonment in the county jail for not less than ten, nor more than 90, days.

[1913 c. 66 s. 3] (10404)

FRAUDS RELATING TO BILLS OF LADING, MANIFESTS, TRANSPORTATION, AND BY BAILEES

620.59 FICTITIOUS BILLS OF LADING. Every master, owner, or agent of any vessel, and every officer or agent of any railway, express, or transportation company, or other carrier, who shall deliver any bill of lading, receipt, or other voucher by which it shall appear that merchandise of any kind has been shipped on board a vessel, or delivered to a railway, express, or transportation company, or other carrier, unless the same has been so shipped or delivered, and shall be at the time actually under the control of such carrier, or the master, owner, or agent of such vessel, or officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt, or voucher, shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than \$1,000, or by both.

[R. L. s. 5121] (10410)

620.60 FICTITIOUS WAREHOUSE RECEIPTS. Every person carrying on the business of a warehouseman, wharfinger, or other depository of property, who shall issue any receipt, bill of lading, or other voucher for grain or merchandise of any kind which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether the same shall be issued to a person as owner, or as security for any indebtedness, shall be punished by imprisonment in a county jail for not more than one year, or by fine of not more than \$1,000, or by both; but no person shall be convicted under this section or section 620.59 for the reason that the contents of any barrel, box, case, cask, or other vessel or package mentioned in the bill of lading, receipt, or other voucher did not correspond with the description contained in such instrument, if such description corresponds substantially with the mark, label, or brand upon the outside of such vessel or package, unless it appears that the defendant knew that such marks, labels, or brands were untrue.

[R. L. s. 5122] (10411)

MINNESOTA STATUTES 1945

4003

OFFENSES AGAINST PROPERTY BY FRAUD 620.65

620.61 DUPLICATE RECEIPTS; SELLING STORED PROPERTY. Every person mentioned in section 620.59 or 620.60 who shall issue any second or duplicate receipt or voucher of a kind specified in those sections, while a former receipt or voucher for the grain or merchandise specified in such second receipt is outstanding and uncanceled, without writing across the face of the same the word "duplicate," in a plain and legible manner, and every such person who shall sell or pledge any merchandise for which a bill of lading, receipt, or voucher has been issued by him, without the consent thereto, in writing, of the person holding such bill, receipt, or voucher, shall be punished by imprisonment in a county jail for not more than one year, or by fine of not more than \$1,000, or by both.

[R. L. s. 5123] (10412)

620.62 MAKING FALSE MANIFEST, INVOICE. Every person who shall prepare, make, or subscribe a false or fraudulent manifest, invoice, bill of lading, ship's register, or protest, with intent to defraud another, shall be punished by imprisonment in the state prison for not more than three years, or by a fine of not more than \$1,000, or by both.

[R. L. s. 5113] (10399)

620.63 FRAUD BY BAILEE OF ANIMALS. Every person who shall obtain from any livery stable the possession or use of a horse or other draft animal or any vehicle without paying therefor, with intent to defraud the keeper, manager, or proprietor thereof, or who shall obtain from such stable the possession or use of any such property by color or aid of any false or fraudulent representation, pretense, token, or writing, or shall obtain credit for such use by color or aid of any false or fraudulent representation, pretense, token, or writing; or who, having hired any such property, shall recklessly, wilfully, wantonly, or by gross negligence injure or destroy, or cause, suffer, allow, or permit the same, or any part thereof, to be injured or destroyed; or who, having hired any horse or other draft animal upon the understanding or agreement that the same shall be ridden or driven a specified distance or to a specified place, shall wilfully and fraudulently ride, drive, or cause, permit, or allow the same to be ridden or driven a longer distance, or to a different place, and shall wilfully and fraudulently represent that the same has not been ridden or driven a longer distance or to a different place than that specified, shall be guilty of a misdemeanor. This section shall not apply to any case of taking or obtaining the use or possession of the property of another with intent to steal the same, nor where the facts would constitute the crime of larceny.

[R. L. s. 5183] (10521)

620.64 EMPLOYEE OBTAINING TRANSPORTATION WITH INTENT TO DEFRAUD. Every employee who, with intent to defraud, having received transportation from his employer from any point in this state to or in the direction of a place where he has agreed with such employer to perform labor or render services, or who, with intent to defraud, having received the benefit of other pecuniary advancement from the employer under his agreement to perform labor or render services in repayment of the cost of such transportation or amount of such advancement, refuses or neglects to perform such labor or render such services to the full value of the transportation furnished or advancement made, or to repay to such employer such transportation or advancement in money, shall be guilty of a misdemeanor, and punished by a fine of not more than \$25.00, or by imprisonment for not more than 60, nor less than ten, days. The failure or refusal of any such employee to perform such labor or render such services in accordance with his contract, or to pay in money the amount paid for such transportation or such advancement, shall be prima facie evidence of his intent to defraud, and the value of such labor or services shall be determined by the price so agreed to be paid such employee therefor.

[R. L. s. 5187] (10525)

VARIOUS FRAUDS

620.65 DIVULGING TELEGRAM OR TELEPHONE MESSAGE. Every person who shall wrongfully obtain or attempt to obtain any knowledge of a telegraphic or telephonic message by connivance with a clerk, operator, messenger, or other employee of a telegraph or telephonic company, and every clerk, operator, messenger, or other employee who shall wilfully divulge to any but the person for whom it was intended the contents of any telephonic message or any telegraphic message

entrusted to him for transmission or delivery, or the nature thereof, or who shall wilfully refuse or neglect duly to transmit or deliver any such telegraphic message shall be punished by imprisonment in the county jail for not more than six months, or by fine of not more than \$1,000, or by both.

[R. L. s. 5134; 1907 c. 212 s. 1] (10423)

620.66 PERFORMING UNPUBLISHED DRAMATIC OR MUSICAL COMPOSITION; SELLING COPY. Any person, company, or corporation who knowingly causes to be publicly performed, or represented for profit, any unpublished or undedicated dramatic composition, or musical composition known as an opera, without the consent of its owner or proprietor, who, knowing that such dramatic or musical composition is unpublished or undedicated, and without the consent of its owner or proprietor, permits, aids or takes part in such a performance or representation, or any person, company, or corporation who sells a copy, or a substantial copy, of any unpublished, undedicated, or copyrighted dramatic composition or musical composition known as an opera, without the written consent of the author or proprietor of such dramatic or musical composition, shall be guilty of a misdemeanor.

[1905 c. 40 s. 1] (10429)

FRAUD; CORPORATION MANAGEMENT

620.68 FRAUD IN STOCK SUBSCRIPTIONS. Every person who shall sign the name of a fictitious person to any subscription for, or agreement to take, stock in any corporation existing or proposed, and every person who shall sign to any subscription or agreement the name of any person, knowing that such person does not intend in good faith to comply with the terms thereof, or under any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced, shall be guilty of a gross misdemeanor.

[R. L. s. 5116] (10405)

620.69 FRAUDULENT ISSUE OF STOCK, SCRIP, OR CERTIFICATE. Every officer, agent, or other person in the service of any joint stock company or corporation, domestic or foreign, who wilfully and knowingly, with intent to defraud, shall:

(1) Sell, pledge, or issue, or cause to be sold, pledged, or issued, or sign or execute, or cause to be signed or executed, with intent to sell, pledge, or issue, or to cause to be sold, pledged, or issued, any certificate or instrument purporting to be a certificate or evidence of the ownership of any share or shares of such company or corporation, or any bond or evidence of debt or writing purporting to be a bond or evidence of debt of such company or corporation, without being first duly authorized by such company or corporation, or contrary to the charter or laws under which such corporation or company exists, or in excess of the power of such company or corporation, or of the limit imposed by law or otherwise upon its power to create or issue stock or evidence of debt; or

(2) Re-issue, sell, pledge, or dispose of, or cause to be re-issued, sold, pledged, or disposed of, any surrendered or canceled certificates or other evidence of the transfer or ownership of any such share or shares —

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 \$3,000, or by both.

[R. L. s. 5117] (10406)

620.70 DIRECTOR. The term "director" embraces any of the persons having by law the direction or management of the affairs of a corporation, by whatever name such persons are described in its charter or are known in law.

[R. L. s. 5035] (10308)

620.71 FALSE REPORTS OF CORPORATIONS. Every director, officer, or agent of any corporation or joint stock association who shall knowingly concur in making or publishing any written report, exhibit, or statement of its affairs or pecuniary condition, containing any material statement which is false, other than such as are specially made punishable, shall be guilty of a misdemeanor.

[R. L. s. 5120] (10409)

620.72 FRAUDS IN KEEPING ACCOUNTS. Every director, officer, or agent of any corporation or joint stock association, who shall knowingly receive or possess himself of any property of such corporation or association, otherwise than in payment of a just demand, and, with intent to defraud, shall omit to make, or to cause or direct to be made, a full and true entry thereof in the books or accounts of such

MINNESOTA STATUTES 1945

4005

OFFENSES AGAINST PROPERTY BY FRAUD 620.74

corporation or association, and every director, officer, agent, or member of any corporation or joint stock association, who, with intent to defraud, shall destroy, alter, mutilate, or falsify any of the books, papers, writings, or securities belonging to such corporation or association, or shall make, or concur in the making of, any false entry, or shall omit or concur in the omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, shall be punished by imprisonment in the state prison for not more than ten years, or in a county jail for not more than one year, or by a fine of not more than \$500, or by both.

[R. L. s. 5119] (10408)

620.73 RECEIVING DEPOSIT IN INSOLVENT BANKS. Every officer, director, stockholder, cashier, teller, manager, member, messenger, clerk, person, party, or agent of any bank, banking corporation, association, or firm, banking house, savings bank, banking exchange, brokerage deposit company and private bank, and every person, company, and corporation engaged, in whole or in part, in banking, brokerage, exchange, or deposit business in any way, who shall accept or receive on deposit in such bank or banking institution, with or without interest, from any person, any money, bank bills, or notes, or certificates or currency, or other notes, checks, bills, drafts, or paper circulating as money, when he knows, or has good reason to know, that such person, bank, banking corporation, association, or firm, banking house, savings bank, banking exchange, brokerage deposit company or private bank is unsafe or insolvent, and every person knowing such insolvency or unsafe condition who shall be accessory to, or permit, or connive at the accepting or receiving on deposit therein or thereby any such deposits, shall be guilty of felony, and punished by imprisonment in the state prison for not less than one year, nor more than ten years, or by fine of not less than \$500.00, nor more than \$10,000.

[R. L. s. 5118] (10407)

620.74 SELLING TICKETS TO THEATERS AT GREATER PRICE. Subdivision 1. **Prohibition.** No person, firm, or corporation shall sell or offer or expose for sale any tickets of admission to any theater, opera, concert, athletic contest, or other public entertainment, at a greater price than the same are being sold for or offered for sale by the management of the same.

Subdivision 2. **Penalty.** Violation of subdivision 1 shall be punishable by a fine of not less than \$10.00, nor more than \$100, or by imprisonment in the county jail for not less than ten, nor more than 90, days.

[1913 c. 521 ss. 1, 2] (10535, 10536)