ANNOTATED CODE
OF THE
STATE OF IOWA
ALL THE LAWS OF A GENERAL NATURE
ENACTED BY
THE TWENTY-SIXTH GENERAL ASSEMBLY,
at the extra session, which adjourned July 2, 1897.
PUBLISHED BY AUTHORITY OF THE STATE.

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pose of medical and surgical study, the remains of any uninterred deceased person in his charge, unless such deceased person during his last illness expressed a desire that his body should be buried. If such a body is delivered over is subsequently claimed by any relative or friend, the same shall be at once surrendered to such party. Any person delivering or receiving any body or remains, knowing that any of the foregoing provisions have been violated, shall be punished as provided in the preceding section.

[10 G. A., ch. 156; C. 73, § 4018.]

SEC. 4947. Burial after dissection. The person receiving a body as contemplated in the preceding section shall decently bury the remains thereof after it has been used for proper purposes, and a failure to do as shall be a misdemeanor. [C. 73, § 4019.]

SEC. 4948. Record kept. Any physician receiving the body or remains of a deceased person for the purpose of medical or surgical study, and any professor or person in charge of a medical college or school at which such body or remains are received for such purpose, shall, in a suitable book, make or cause to be made a legible record of the time when, the name and the description of the person from whom, and the place where, such body or remains were received, and whether or not such body or remains, when so received, were inclosed in any box, casket or other receptacle, and, if so inclosed, shall record a description of such box, casket or receptacle sufficient to identify the same, together with the shipping marks or directions, if any, on same; and also a description of such body or remains, including the length, weight and sex of same, the apparent age of the person at the time of death, color of hair or beard, if any, and any and all marks or scars on such body by which the same might be identified, and whether or not such body, when so received, was mutilated so as to prevent identification of the same. And such physician, professor or person shall keep the said record, and on demand exhibit the same, as also any and all such bodies or remains of deceased persons then in his charge, for the inspection of any sheriff or his deputy, if the same is not required, one year or more after such body was received. [19 G. A., ch. 182, § 3.]

SEC. 4949. Penalty. Any physician, professor or teacher in a medical college or school, who uses, or allows or permits others under his control or charge to use, the body or remains of a deceased person for the purpose of medical or surgical study without the record required in the preceding section having been first made, or, on demand being made by the sheriff or his deputy as therein specified, shall refuse and fail to exhibit any such record or body in his charge or under his control to such officer for his inspection, shall be guilty of a misdemeanor, and imprisoned in the county jail not exceeding one year, or be fined not exceeding one thousand dollars, or both. [Same.]

SEC. 4950. Remains—how used. The remains of any person received as aforesaid shall be used for the purpose of medical and surgical study alone, and in this state only, and whoever having received such remains shall use them for any other purpose, or shall remove the same beyond the limits of this state, or in any manner traffic therein, shall be guilty of a misdemeanor, and be imprisoned for a term not exceeding one year in a county jail. [C. 73, § 4020.]

SEC. 4951. Obscene books, pictures, etc. If any person import, print, publish, sell or distribute any book, pamphlet, ballad or any printed or written paper containing obscene language or obscene prints, pictures or descriptions, manifestly tending to corrupt the morals of youth; or introduce into any family, school or place of education, or buy, procure, receive or have in his possession any such book, pamphlet, ballad, printed or written paper, picture or description, either for the purpose of loan, sale, exhibition or circulation, or with intent to introduce the same into any family, school or place of education, he shall be imprisoned in the penitentiary not more
en one year, or be fined not exceeding one thousand dollars. [26 G. A.,
by C. 177, § 402; R. § 4559; C. 51, § 2777.]

Sec. 4882. Obscene literature— articles of immoral use. Whoever
sells or offers for sale or gives away, or has in his possession with intent to
sold or give away, any obscene, lewd, indecent or lascivious book,
range, pamphlet, paper, drawing, lithograph, engraving, picture, photograph,
art, card, book, pamphlet, advertisement or notice
of any kind, giving information, directly or indirectly; when, where, how
or by what means any of the articles or things hereinbefore mentioned can
be purchased, or otherwise obtained or made, shall be fined not more than
one thousand nor less than fifty dollars, or be imprisoned in the county jail
not more than one year, or both. [21 G. A., ch. 177, § 1.]

This statute does not make illegal the that the instrument be used in the attempt
sale of any instrument which is manufactured
for the purpose of procuring an abortion: State v. Forsyth, 14-
thousand dollars, nor less than fifty dollars, or be imprisoned in the county jail not more than one year, or both. [Same, § 2.]

Sec. 4883. Circulating through the mail. Whosoever deposits in
any post-office within this state, or places in charge of any person to be car-
ried or conveyed, any of the articles or things named in the preceding sec-
tion, or any circular, hand-bill, card, advertisement, book, pamphlet or
notice of any kind, giving information, directly or indirectly, when, how,
where or by what means any of the articles or things mentioned in the pre-
ceding section can be purchased or obtained, or knowingly or wilfully
receives the same to carry or convey, or knowingly carries or conveys the
same in any manner, except in the United States mail, shall be fined not
more than one thousand dollars, nor less than fifty dollars, or be imprisoned
in the county jail not more than one year, or both. [Same § 8.]

Sec. 4884. Printing or publishing. Whoever prints or publishes,
or causes to be printed or published, in any newspaper published or circu-
lated in this state, any advertisement of medicine, drug, nostrum or appar-
atus for the cure of private or venereal disease, or shall circulate or
distribute any newspaper containing such an advertisement or notice, shall
be guilty of a misdemeanor, and be fined not more than one thousand dollars
nor less than fifty dollars, or be imprisoned in the county jail not more than
one year, or both. [Same § 4.]

Sec. 4885. Giving obscene literature to minors. Whoever sells,
gives away or shows, or has in his possession with intent to sell,
give away or show, to any minor, any book, pamphlet, magazine, newspa-
per, story paper or other paper devoted to the publication, or principally
made up of, criminal news, police reports or accounts of criminal deeds, or
pictures and stories of immoral deeds, lust or crime, or exhibits upon any
street or highway, or any place within the view, or which may be within
the view, of any minor, any of the above described books, papers or pic-
tures, or uses or employs any minor to give away, sell or distribute, or who,
having the care, custody or control of any minor, permits him to sell, give
away or distribute, any such books, papers or pictures, shall be fined not
more than five hundred nor less than fifty dollars, or be imprisoned not
more than six months in the county jail, or both. [Same, § 4.]

Sec. 4886. Warrants for search or seizure. Any magistrate or
police judge is authorized, on complaint supported by oath or affirmation of
two or more persons, to issue a warrant, directed to the sheriff of the
county within which such complaint is made, or to any constable or police
officer within said county, directing him or them, or any of them, to search
for, seize and take possession of such books, papers, pictures, circulars, articles
and things named in this chapter; and said magistrate or police judge shall
deliver personally, or shall transmit, inclosed and under seal, specimens
thereof to the county attorney of his county, and shall deposit within the county jail of his county, or other secure place, as to him shall seem meet, inclosed and under seal, the remainder thereof, and shall, upon the conviction of the person or persons offending under the provisions of this chapter, forthwith, in the presence of the person or persons upon whose complaint the seizure or arrest was made, if he or they shall elect to be present, destroy or cause to be destroyed the remainder thereof, and shall cause to be entered upon the record of his court the fact of such destruction. [Same, § 5.]  

SEC. 4967. Exceptions. Nothing in the five preceding sections shall be construed to affect teaching in regularly chartered medical colleges, or the publication or use of standard medical books, or the practice of regular practitioners of medicine or druggists in their regular business, or the possession by artists of models in the necessary line of their art. [Same, § 5.]  

SEC. 4968. Obscene productions by phonograph. If any person exhibit through a phonograph, or any other instrument for receiving and reproducing the human voice, any story, song or any other matter containing any obscene, indecent or immoral language, he shall be imprisoned in the penitentiary not more than one year, or be fined not exceeding one thousand dollars.  

SEC. 4969. Disturbing worshiping congregations or other assemblies. If any person wilfully disturb any assembly of persons met for religious worship by profane discourse or rude and indecent behavior, or by making a noise, either within the place of worship or so near as to disturb the order and solemnity of the assembly, or if any person wilfully disturb or interrupt any school, school meeting, teachers' institute, lyceum, literary society, or other lawful assembly of persons, he shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding one hundred dollars. [C. 73, § 4023; R., § 4360; C. 51, § 2718.]  

The charge of an offense under this section must allege that the act was wilfully done.


SEC. 4970. Selling liquor near camp-meeting. If any person, within one mile from the place where any religious society is collected for religious worship in any field or woodland, expose to sale or gift any spirits of other liquors, or any article of merchandise excepting provisions, he shall be guilty of a misdemeanor. [C. 73, § 4024; R., § 4361; C. 51, § 2719.]  

SEC. 4971. Exceptions. The preceding section does not apply to persons regularly pursuing or carrying on their ordinary and lawful calling or business in the places habitually and lawfully used by them for such calling or business, nor to any person who has a written permit from the person having the charge of such religious society to sell any of such prohibited articles, on complying with the regulations of such religious assembly and with the laws of the state. [C. 73, § 4025; R., § 4362; C. 51, § 2720.]  

SEC. 4972. Keeping gambling houses. If any person keep a house, shop or place resorted to for the purpose of gambling, or permit or suffer any person in any house, shop or other place under his control or care to play cards, dice, faro, roulette, equally or other game for money or other thing, such offender shall be fined in a sum not less than fifty nor more than three hundred dollars, or be imprisoned in the county jail not exceeding one year, or both. In a prosecution under this section, any person who has the charge of or attends to any such house, shop or place is the keeper thereof. [C. 73, § 4026; R., § 4363; C. 51, § 2721.]  

What constitutes: To constitute gambling as here contemplated, it is not necessary that the money or "other thing" should be "put up." Playing at a game with the understanding that the loser shall pay for the drinks around, which arrangement is carried out, is sufficient: State v. Mauger, 7-480; State v. Center, 10-453; State v. Lead, 17-20; State v. Bledel, 29-42.

The offense of keeping a gambling house is as complete if the house is complete and in use as if kept for a year. It does not need to be in constant use, but needs to be generally or habitually resort to for that purpose. One act of gambling, kept for that purpose, constitutes an offense.
CODE OF IOWA

1924

CONTAINING

ALL STATUTES OF A GENERAL AND PERMANENT NATURE

COMPiled AND EDITED BY
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PUBLISHED BY THE STATE OF IOWA UNDER AUTHORITY OF CHAPTER 3, ACTS OF THE
SPECIAL SESSION OF THE FORTIETH GENERAL ASSEMBLY
§ 13178  PROSTITUTION—OBSCENITY AND INDECENCY

2710; R., '60, § 4352; C., '73, § 4013; C., '97, § 4959; 39 G. A., ch. 231, § 12.]

13176. Evidence—general reputation. The state, upon the trial of any person indicted for keeping a house of ill fame, may, for the purpose of establishing the character of the house kept by defendant, introduce evidence of the general reputation of such house as so kept. [C., '97, § 4944.]

13177. Terminating lease after conviction. When a tenant, or anyone claiming under him, is convicted of keeping a house of ill fame, the landlord of the premises may terminate the lease therefor, and recover possession thereof in the manner provided in case of violation of the provisions of title 6, relative to intoxicating liquors. [C., '51, § 2711; R., '60, § 4353; C., '73, § 4014; C., '97, § 4945.]

13178. Leasing house for prostitution. If any person let any house, knowing that the lessee intends to use it as a place or resort for the purpose of prostitution and lewdness, or knowingly permit such lessee to use the same for such purpose, he shall be fined not exceeding three hundred dollars, or imprisoned in the county jail not exceeding six months. [C., '51, § 2712; R., '60, § 4354; C., '73, § 4015; C., '97, § 4941.]

13179. Permitting minor females to be inmates. Whoever, being the keeper of a house of prostitution, or assignation house, building, or premises in this state where prostitution, fornication, or concubinage is allowed, or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop, or room in such house, building, or premises, shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than five years. [S., '13, § 4944-4.]

13180. Detention of females for purposes of prostitution. Whoever shall unlawfully detain or confine any female, by force, false pretense, or intimidation, in any room, house, building, or premises in this state, against the will of such female, for purposes of prostitution, with intent to cause such female to become a prostitute, and be guilty of fornication or concubinage therein, or shall by force, false pretense, confinement, or intimidation keep, confining, or unlawfully detaining any female in any room, house, building, or premises in this state, against the will of such female, for the purpose of prostitution, fornication, or concubinage, shall, on conviction, be imprisoned in the penitentiary not more than ten years. [C., '51, § 2713; R., '60, § 4355; C., '73, § 4016; C., '97, § 4942; 39 G. A., ch. 231, § 14.]

13181. Enticing to house of ill fame. If any person inveigle or entice any female, before reputed virtuous, to a house of ill fame, or knowingly conceal or aid or abet in concealing such female so deluded or enticed, for the purpose of prostitution or lewdness, or entice back into a life of prostitution any female who has theretofore been guilty of prostitution and has abandoned it, he shall be imprisoned in the penitentiary not more than five years, or be fined not more than one thousand dollars and imprisoned in the county jail not more than one year. [C., '51, § 2584; R., '60, § 4207; C., '73, § 3865; C., '97, § 4760.]

CHAPTER 592

OBSCENITY AND INDECENCY

13183. Lewdness—indecent exposure.
13184. Lascivious acts with children.
13185. Immoral plays, exhibitions, and entertainments.
13186. Exhibiting pictures of prize fights.
13187. Use of buildings—punishment of owner.
13188. Aiding in making exhibits.
13189. Obscene books or pictures—printing or distributing.
13190. Obscene literature—articles for immoral use.
13183. Lewdness—indecent exposure. If any man and woman not being married to each other, lewdly and viciously associate and cohabit together, or if any man or woman, married or unmarried, is guilty of open and gross lewdness, and designedly makes an open and indecent or obscene exposure of his or her person, or of the person of another, every such person shall be imprisoned in the county jail not exceeding six months, or be fined not exceeding two hundred dollars. [C., '51, § 2702; R., '60, § 4351; C., '73, § 4012; C., '97, § 4938.]
13184. Lascivious acts with children. Any person over eighteen years of age who shall willfully commit any lewd, immoral, or lascivious act in the presence, or upon or with the body or any part or member thereof, of a child of the age of sixteen years, or under, with the intention, or with any corrupting influence, of gratifying the lust or passions or sexual desires of such person, or of such child, or of corrupting the morals of such child, shall be punished by imprisonment in the penitentiary not more than three years, or by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars. [S., '19, § 4938-4; 40 G. A., chs. 214, 274.]

13185. Immoral plays, exhibitions, and entertainments. Any person who, as owner, manager, director, or agent, or in any other capacity, prepares, advertises, gives, presents, or participates in any obscene, indecent, immoral, or impure drama, play, exhibition, show, or entertainment, which would tend to corrupt the morals of youth or others, and every person aiding or abetting such act and every owner or lessee or manager of any garden, building, room, place, or structure, who licenses or lets the same or permits the same to be used for the purposes of any such drama, play, exhibition, show, or entertainment, or who assists in the use of the same for any such purpose, if it be so used, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. [S., '19, § 4944-1.]

13186. Exhibiting pictures of prize fights. It shall be unlawful for any person, persons, or corporation to exhibit in this state by means of the photograph, kinetograph, or any kindred device or machine, any picture of any prize fight, glove contest, or other match between men or animals, that is prohibited by the laws of this state. [C., '97, § 4973.]

13187. Use of buildings—punishment of owner. Any person, persons, or corporation who shall grant, lease, let, or hire any theater, hall, room, building, roof-garden, or park for the exhibition of pictures such as are prohibited by the preceding section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both fine and imprisonment, in the discretion of the court. [C., '97, § 4974.]

13188. Aiding in making exhibits. Whoever shall assist or aid in any manner any person, persons, or corporation in making exhibits of any such pictures as are prohibited in the second preceding section shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than thirty days, for each offense, in the discretion of the court. [C., '97, § 4975.]

13189. Obscene books or pictures—printing or distributing. If any person import, print, publish, sell, or distribute any book, pamphlet, ballad, or any printed or written paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth; or if any book, pamphlet, ballad, or printed or written paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed or written paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school or place of education, he shall be imprisoned in the penitentiary not more than one year, or be fined not exceeding one thousand dollars. [C., '51, § 2717; R., '60, § 4359; C., '73, § 4022; C., '97, § 4951.]

13190. Obscene literature—articles for immoral use. Whoever sells, or offers for sale, or gives away, or has in his possession with intent to sell, loan, or give away any obscene, lewd, indecent, lascivious, or filthy book, pamphlet, paper, drawing, lithograph, engraving, picture, photograph, writing, card, postal card, model, cast, or any instrument or article of indecent or immoral use, or any medicine, article, or thing designed or intended for procuring abortion or preventing conception, or advertises the same for sale, or writes or prints any letter, circular, handbill, card, book, pamphlet, advertisement, or notice of any kind, giving information, directly or indirectly, when, where, how, or by what means any of the articles or things hereinbefore mentioned can be purchased, otherwise obtained or made, shall be guilty of a misdemeanor and be fined not more than one thousand nor less than fifty dollars, or be imprisoned in the county jail not more than one year, or both. [C., '97, § 4952; S., '19, § 4952.]

13191. Circulating obscene matter. Whoever deposits in any postoffice within this state, or places in charge of any person to be carried or conveyed, any of the articles or things named in the preceding section, or any circular, handbill, card, advertisement, book, pamphlet, or notice of any kind, giving information, directly or indirectly, when, where, how, or by what means any of the articles or things mentioned in the preceding section can be purchased or obtained, or knowingly or wilfully receives the same to carry or convey, or knowingly carries or conveys the same in any manner, except in the United States mail, shall be fined not more than one thousand dollars, nor less than fifty dollars, or be imprisoned in the county jail not more than one year, or both. [C., '97, § 4953.]

13192. Advertising drugs for venereal disease. Whoever prints or publishes, or causes to be printed or published, in any newspaper published or circulated in this state, any advertisement of medicine, nostrum, or apparatus for the cure of private or venereal one disease, or shall circulate or distribute any newspaper containing such an advertisement or notice, shall be guilty of a misdemeanor, and be fined not more than one thousand dollars nor
less than fifty dollars, or be imprisoned in the county jail not more than one year, or both. [C., '97, § 4964.]

13192. Giving or showing obscene literature to minors. Whoever sells, lends, gives away, or shows, or has in his possession with intent to sell, give away, or show, to any minor, any book, pamphlet, magazine, newspaper, story paper or other paper devoted to the publication, or principally made up of, criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, last or crime, or exhibits upon any street or highway, or any place within the view, or which may be within the view, of any minor, of the above described books, papers, or pictures, or uses or employs any such minor to give away, sell, or distribute, or who, having the care, custody, or control of any minor, permits him to sell, give away, or distribute, any such books, papers, or pictures, shall be fined not more than five hundred dollars or more than five dollars, or be imprisoned not more than six months in the county jail, or both. [C., '97, § 4965.]

13194. Warrants for search or seizure. Any magistrate or police judge is authorized, on complaint supported by oath or affirmation of on or more persons, to issue a warrant, directed to the sheriff of the county within which such complaint is made, or to any constable or police officer within said county, directing him or them, or any of them, to search for, seize and take possession of such books, papers, pictures, circulars, articles, and things named in this chapter; and said magistrate or police judge shall deliver personally, or shall transmit, inclosed and under seal, specimens thereof to the county attorney of his county, and shall deposit within the county jail of his county, or other secure place, as to him shall seem meet, inclosed and under seal, the remainder thereof, and shall, upon the conviction of the person or persons offending under the provisions of this chapter, forthwith, in the presence of the person or persons upon whose complaint the search or arrest was made, if he or they shall elect to be present, destroy, or cause to be destroyed, the remainder thereof, and shall cause to be entered upon record of such conviction the fact of such destruction. [C., '97, § 4966.]

13195. Exceptions — doctors — drugists — artists. Nothing in the five preceding sections shall be construed to affect teaching in regularly chartered medical colleges, or the publication or use of standard medical books, or the practice of regular practitioners of medicine or drugists in their regular business, or the possession by artists of models in the necessary line of their art. [C., '97, § 4967.]

13196. Obscene productions by phonograph. If any person exhibit through a phonograph, or any other instrument for receiving and reproducing the human voice, any story, song, or any other matter containing any obscene, indecent, or immoral language, he shall be imprisoned in the penitentiary not more than one year, or be fined not exceeding one thousand dollars. [C., '97, § 4968.]

13197. Exhibition of deformed or abnormal persons. Any person, firm, or corporation who shall exhibit, place on exhibition, or cause to be exhibited in any public place in the state, or in any tent, shed, booth, building, or in any theater, hall, or within any inn or house in the state, any deformed, maimed, idiotic, or abnormal person or human monstrosity, and receive any fee or compensation thereof, shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail for a term not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment. [S., '13, § 4975-1a.]

CHAPTER 593

GAMBLING

13198. Keeping gambling houses. If any person keep a house, shop, or place resorted to for the purpose of gambling, or permit or suffer any person in any house, shop, or other place under his control or care to play at cards, dice, fara, roulette, equality, or other game for money or other thing, such offender shall be fined in a sum not less than fifty nor more than three hundred dollars, or be imprisoned in the county jail not exceeding one year, or both. [C., '97, § 4026; C., '97, § 4026.]

13199. Keeping gambling devices. No one shall keep under the premises house, shop, or any other place within the view, of any minor, any house, shop, or other place under his control or care to play at cards, dice, fara, roulette, equality, or other game for money or other thing, such offender shall be fined in a sum not less than fifty nor more than three hundred dollars, or be imprisoned in the county jail not exceeding one year, or both. [C., '97, § 4026; C., '97, § 4026.]

13201. Destroying gambling devices. Whoever destroys, destroys, or warns to be destroyed, or mal, destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroys, or destroy,
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U. G. WHITNEY

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PUBLISHED BY THE STATE OF IOWA UNDER AUTHORITY OF CHAPTER 13 HEREOF

1927
CHAPTER 592
OSCENITY AND INDECENCY

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13187. Use of buildings—punishment of owner.

13188. Aiding in making exhibits.

13189. Obscene books or pictures—printing or distributing.

13190. Obscene literature—articles for immoral use.

13191. Circulating obscene matter.

13192. Advertising drugs for venereal disease.

13193. Giving or showing obscene literature to minors.

13194. Warrants for search or seizure.

13195. Exceptions—doctors, druggists, artists.

13196. Obscene productions by phonograph.

13197. Exhibition of deformed or abnormal persons, or corporation to exhibit in this state by means of the photograph, kinetograph, or any kindred device or machine, any picture of any prize fight, glove contest, or other match between men or animals, that is prohibited by the laws of this state. [C. '83, § 4973; C. '24, § 13197.]

Referred to in §§ 13187, 13188.

13187. Use of buildings—punishment of owner. Any person, persons, or corporation who shall grant, lease, let, or hire any theater, hall, room, building, roof-garden, or park for the exhibition of pictures such as are prohibited by the preceding section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five hundred dollars, or more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both fine and imprisonment, in the discretion of the court. [C. '97, § 4974; C. '24, § 13187.]

13188. Aiding in making exhibits. Whoever shall assist or aid in any manner any persons, persons, or corporation in making exhibits of any such pictures as are prohibited in the second preceding section shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than thirty days, for each offense, in the discretion of the court. [C. '97, § 4975; C. '24, § 13188.]

13189. Obscene books or pictures—printing or distributing. If any person import, print, publish, sell, or distribute any book, pamphlet, ballad, or any printed or written paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth; or introduce into any family, school or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed or written paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school or place of education, he shall be imprisoned in the penitentiary not more than one year, or be fined not exceeding one thousand dollars. [C. '51, § 5717; R. '60, § 4559; C. '24, § 4969; C. '97, § 4951; C. '24, § 13189.]

13190. Obscene literature—articles for immoral use. Whoever sells, or offers for sale, or gives away, or has in his possession with intent
13191. Circulating obscene matter. Whoever deposits in any postoffice within this state, or places in charge of any person to be carried or conveyed, any of the articles or things mentioned in the preceding section, or any circular, handbill, card, advertisement, book, pamphlet, or notice of any kind, giving information, directly or indirectly, when, where, how, or on whom by means of any of the articles or things mentioned in the preceding section can be purchased or obtained, or knowingly or wilfully receives the same to carry or convey, or knowingly carries or conveys the same in any manner, except in the United States mail, shall be fined not more than one thousand dollars, or be imprisoned in the county jail not more than one year, or both. [C., '97, § 4953; C., '24, § 13191.]

13192. Advertising drugs for venereal disease. Whoever prints or publishes, or causes to be printed or published, in any newspaper published or distributed in this state, any advertisement of medicine, drug, nostrum, or apparatus for the cure of private or venereal disease, or shall circulate or distribute any newspaper containing such an advertisement or notice, shall be guilty of a misdemeanor, and be fined not more than one thousand dollars nor less than fifty dollars, or be imprisoned in the county jail not more than one year, or both. [C., '97, § 4954; C., '24, § 13192.]

13193. Giving or showing obscene literature to minors. Whoever sells, lends, gives away, or shows, or has in his possession with intent to sell, give away, or show, to any minor, any book, pamphlet, magazine, story paper or other paper devoted to the publication, or principally made up of, criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, lust or crime, or exhibits, upon any street or highway, or any place within the city, or which may be within view of any of the above described books, papers, or pictures, or uses or employs any minor to give away, sell, or distribute, or who, having the care, custody, or control of any minor, permits him to sell, give away, or distribute, any such books, papers, or pictures, shall be fined not more than five hundred nor less than fifty dollars, or be imprisoned not more than six months in the county jail, or both. [C., '97, § 4955; C., '24, § 13193.]

13194. Warrants for search or seizure. Any magistrate or police judge is authorized, on complaint supported by oath or affirmation of one or more persons, to issue a warrant, directed to the sheriff of the county within which such complaint is made, or to any constable or police officer within said county, directing him or them, or any of them, to search for, seize and take possession of such books, papers, pictures, circulars, articles, and things named in this chapter; and said magistrate or police judge shall deliver personally, or shall transmit, in closed and under seal, specimen thereof to the county attorney of his county, and shall deposit within the county jail of his county, or other secure place, as to him shall seem meet, in closed and under seal, the remainder thereof, and shall, upon the conviction of the person or persons offending under the provisions of this chapter, forthwith, in the presence of the person or persons upon whose complaint the search or arrest was made, if he or they shall elect to be present, destroy, or cause to be destroyed, the remainder thereof, and shall cause to be entered upon the record of his court the fact of such destruction. [C., '97, § 4956; C., '24, § 13194.]

13195. Exceptions — doctors — druggists — artists. Nothing in the five preceding sections shall be construed to affect teaching in regularly chartered medical colleges, or the publication or use of standard medical books, or the practice of regular practitioners of medicine or druggists in their regular business, or the possession by artists of their necessary line of their art. [C., '97, § 4957; C., '24, § 13195.]

13196. Obscene productions by phonograph. If any person exhibit through a phonograph, or any other instrument for receiving and reproducing the human voice, any story, song, or any other matter containing any obscene, indecent, or immoral language, he shall be imprisoned in the penitentiary not more than one year, or be fined not exceeding one thousand dollars. [C., '97, § 4958; C., '24, § 13196.]

13197. Exhibition of deformed or abnormal persons. Any person, firm, or corporation who shall exhibit, place on exhibition, or cause to be exhibited in any public place in the state, or in any tent, shed, booth, building, or in any theater, hall, or within any inclosure in the state, any deformed, malmed, idiotic, or abnormal person or human monstrosity, and receive any fee or compensation therefor, shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than ten dollars nor more than one hundred dollars, or be imprisoned
CODE OF IOWA

1931

CONTAINING

ALL STATUTES OF A GENERAL AND
PERMANENT NATURE

COMPILED AND EDITED BY
U. G. WHITNEY
REPORTER OF THE SUPREME COURT
AND EDITOR OF THE CODE
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ASSISTANT CODE EDITOR

PUBLISHED BY THE STATE OF IOWA UNDER AUTHORITY OF CHAPTER 12 HEREOF

1931
lessee intends to use it as a place or resort for the purpose of prostitution and lewdness, or knowingly permit such lessee to use the same for such purpose, he shall be fined not exceeding three hundred dollars, or imprisoned in the county jail not exceeding six months. [C31, §2712; R60, §4354; C78, §4016; C97, §4941; C24, 27, §13179.]

13179. Permitting minor females to be inmates. Whoever, being the keeper of a house of prostitution, or assignation house, building, or premises in this state where prostitution, fornication, or concubinage is allowed, or practiced, shall suffer or permit any unmarried female under the age of eighteen years to live, board, stop, or come in such house, building, or premises, shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than five years. [S13, §4944-1; C24, 27, §13179.]

13180. Detention of females. Whoever shall unlawfully detain or confine any female, by force, false pretense, or intimidation, in any room, house, building, or premises in this state, against the will of such female, for the purpose of prostitution or with intent to cause such female to become a prostitute, or be guilty of fornication or concubinage therein, or shall, by force, false pretense, confinement, or intimidation, attempt to prevent any female so as aforesaid detained, from leaving such room, house, building, or premises, and whoever aids, assists, or abets by force, false pretense, confinement, or intimidation, in keeping, confining, or unlawfully detaining any female in any house, room, building, or premises in this state, against the will of such female, for the purpose of prostitution, fornication, or concubinage, shall, on conviction, be imprisoned in the penitentiary not more than ten years. [S13, §4944-1; C24, 27, §13180.]

13181. Enticing to house of ill fame. If any person invite or entice any female, before reputated virtuous, to a house of ill fame, or knowingly conceal or aid or abet in concealing such female so deluded or enticed, for the purpose of prostitution or lewdness, or entice back into a life of prostitution any female who has theretofore been guilty of prostitution and has abandoned it, he shall be imprisoned in the penitentiary not more than ten years. [C31, §2713; R60, §4355; C78, §4016; C97, §4942; C24, 27, §13181.]

13182. Enticing female child for prostitution. If any person take or entice away any unmarried female under the age of eighteen years for the purpose of prostitution, he shall be imprisoned in the penitentiary not more than five years, or be fined not more than one thousand dollars and imprisoned in the county jail not more than one year. [C31, §2694; R60, §4307; C78, §8665; C97, §4790; C24, 27, §13182.]

CHAPTER 592
OBSCENITY AND INDECENCY

13183. Lewdness—indecent exposure. If any man and woman not married to each other, lewdly and viciously associate and cohabit together, or if any man or woman, married or unmarried, is guilty of open and gross lewdness, and design to make an open and indecent or obscene exposure of his or her person, or of the person of another, every such person shall be imprisoned in the county jail not exceeding six months, or be fined not exceeding two hundred dollars. [C31, §2709; R60, §4351; C78, §4012; C97, §4968; C24, 27, §13183.]

13184. Lascivious acts with children. Any person over eighteen years of age who shall wilfully commit any lewd, immoral, or lascivious act with the body or any part of the body thereof, of a child of the age of sixteen years, or under, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person, or of such child, or of corrupting the morals of such child, shall be punished by imprisonment in the penitentiary not more than three years, or by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars. [S13, §4938-a; C24, 27, §13184.]

13185. Immoral plays, exhibitions, and entertainments. Any person who, as owner, manager, director, or agent, or any other capacity, prepared, advertised, given, or represented, or participates in any obscene, indecent, immoral, or impure drama, play, exhibition, show, or entertainment, which would tend to the corruption of the morals of youth or others, and every person aiding or abetting such act and every owner or lessee or manager of any garden, building, room, place, or structure, who leases or lets the same or permits the same to be used for the purposes of such drama, play, exhibition, show, or entertainment, or who assembles to the use of the same for any such purpose, if it be so used, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or by both such fine and imprisonment. [S13, §4544-k; C24, 27, §13185.]
§13186, Ch 592, OBCENCY AND INDECENCY

13186. Exhibiting pictures of prize fights. It shall be unlawful for any person, persons, or corporation to exhibit in this state by means of the photograph, kinetograph, or any kind of device, motion picture, any picture of any prize fight, glove contest, or other match between man or animals, that is prohibited by the laws of this state. [C97,§4973; C24, 27, §13186.]

Refer to in §§13187, 13188.

13187. Use of buildings — punishment of owner. Any person, persons, or corporation who shall grant, lease, let, or hire any theater, hall, room, building, room; and garden, or park for the exhibition of pictures such as are prohibited by section 13186 shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both fine and imprisonment, in the discretion of the court. [C97, §4974; C24, 27, §13187.]

13188. Aiding in making exhibits. Whoever shall assist or aid in any manner any person, persons, or corporation in making exhibits of any such pictures as are prohibited in section 13186 shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days, for each offense, in the discretion of the court. [C97, §4975; C24, 27, §13188.]

13189. Obscene books or pictures — printing or distributing. If any person import, print, publish, sell, or distribute any book, pamphlet, ballad, or any printed or written paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth; or introduce into any family, school or place of education, book, paper, picture, receive, or have in his possession any such book, pamphlet, ballad, printed or written paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school or place of education, he shall be imprisoned in the penitentiary not more than one year, or be fined not exceeding one thousand dollars. [C31, §2177; R60, §4359; C73, §4052; C97, §4155; C24, 27, §13189.]

13190. Obscene literature — articles for immoral use. Whoever sells, or offers for sale, or gives away, or has in his possession with intent to sell, loan, give away any obscene, lewd, indecent, lascivious, or filthy book, pamphlet, paper, drawing, lithograph, engraving, picture, photograph, writing, card, postal card, model, casting, negative, instrument, or article of indecent or immoral use, or any medicine, article, or thing designed or intended for procuring abortion or preventing conception, or advertises the same for sale, or writes or prints any letter, circular, handbill, card, book, pamphlet, advertisement, or notice of any kind, giving information, directly or indirectly, when, where, how, or by what means of the articles or things hereinbefore mentioned can be purchased, or otherwise obtained or made, shall be guilty of a misdemeanor and be fined not more than one thousand dollars nor more than fifty dollars, or be imprisoned in the county jail not more than one year, or both. [C97, §4965; C13, §4962; C24, 27, §13190.]

Refer to in §§13191, 13192.

13191. Circulating obscene matter. Whoever deposits in any post office within this state, or places in charge of any person to be carried or conveyed, any of the articles or things named in section 13190, or any circular, handbill, card, advertisement, book, pamphlet, or notice of any kind, giving information, directly or indirectly, when, how, where, or by what means of any of the articles or things mentioned in section 13190 can be purchased or obtained, or knowingly or wilfully receives the same to carry or convey, or knowingly carries or conveys the same in any manner, except in the United States mail, shall be fined not more than one thousand dollars, nor less than fifty dollars, or be imprisoned in the county jail not more than one year, or both. [C97, §4958; C24, 27, §13191.]

Refer to in §13190.

13192. Advertising drugs for venereal disease. Whoever prints or publishes, or causes to be printed or published, in any newspaper published or circulated in this state, any advertisement of medicine, drug, nostrum, or apparatus for the cure of private or venereal disease, shall be fined not more than one thousand dollars, or be imprisoned in the county jail not more than one year. [C97, §4954; C24, 27, §13192.]

Refer to in §13190.

13193. Giving or showing obscene literature to minors. Whoever sells, lends, gives away, or shows, or has in his possession with intent to sell, give away, or show, to any minor, any book, pamphlet, magazine, newspaper, story paper or other paper devoted to the publishing, or principally made up of, criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, lust or crime, or exhibits upon any street or highway, or any place within the view of, which may be within the view of, any minor, any of the above described books, papers, or pictures, or uses or employs any minor to give away, sell, or distribute, or who, having the care, custody, or control of any minor, permits him to sell, give away, or distribute, any such books, papers, or pictures, shall be fined not more than five hundred dollars nor less than fifty dollars, or be imprisoned not more than six months in the county jail, or both. [C97, §4965; C24, 27, §13193.]

Refer to in §13190.

13194. Warrants for search or seizure. Any magistrate or police judge is authorized, on complaint supported by oath or affirmation of one or more persons, to issue a warrant directed to the sheriff of the county within which such complaint is made, or to any constable or
be guilty of
more than one
be in-
more than one

GAMBLING, Ch 553, §13198

13196. Obscene productions by phonograph.
If any person exhibit through a phonograph,
or any other instrument for recording and re-
producing the human voice, any story, song, or
any other matter containing any obscene, in-
decent, or immoral language, he shall be im-
prisoned in the penitentiary not more than one
year, or be fined not exceeding one thousand
dollars. [C79, §4965; C24, 27, §18166.]

13197. Exhibition of deformed or abnormal
persons. Any person, firm, or corporation who
shall exhibit, place on exhibition, or cause to
be exhibited in any public place in the state,
or in any tent, shed, booth, building, or in any
theater, hall, or within any inclosure in the
state, any deformed, maimed, idiotic, or abnor-
mal person or human monstrosity, and receive
any fee or compensation therefor, shall be de-
emed guilty of a misdemeanor, and upon con-
viction shall pay a fine of not less than ten
dollars nor more than one hundred dollars, or
be imprisoned in the county jail for a term not
less than ten days nor more than thirty days, or
be punished by both such fine and imprison-
ment. [S13, §4976-4a; C24, 27, §18197.]

CHAPTER 559

GAMBLING

13198. Keeping gambling houses. If any
person keep a house, shop, or place resorted
to for the purpose of gambling, or permit or
suffer any person in any house, shop, or other
place under his control or care to play at cards,
dice, faro, roulette, equality, punch board or
other game for money or other thing, such
offender shall be fined in a sum not less than
fifty nor more than three hundred dollars, or
be imprisoned in the county jail not exceed-
ing one year, or both. [C51, §2721; R60, §4363;
C73, §4062; C97, §4962; C24, 27, §13198; 45GA,
ch 262.]

13199. Keeper defined. In a prosecution
under section 13198, any person who has the
charge of or attends to any such house, shop,
or place, is the keeper thereof. [C51, §2721; R60,
§4363; C73, §4062; C97, §4962; C24, 27, §13199.]

13200. Search warrant. If any person make
oath before a magistrate that he has probable
cause to suspect, and does suspect, that any
house, building, or place, naming the house or
case of models in the neces-
sary line of their art. [C97, §4967; C24, 27,
§18165.]

13198. Exceptions — doctors — druggists —
artists. Nothing in sections 13190 to 13194, in-
clusive, shall be construed to affect teaching in
regularly chartered medical colleges, or the
publication or use of standard medical books,
or the practice of regular practitioners of med-
cine or druggists in their regular business, or

CHAPTER 590

GAMBLING

13201. Possessor of gambling devices prohibited.

13202. Gaming and betting defined. Any
person play at any game for any sum of money
or other property of any value, or make any
bet or wager for money or other property of

13200. Search warrant. If any person make
oath before a magistrate that he has probable
cause to suspect, and does suspect, that any
house, building, or place, naming the house or

13202. Gaming and betting defined. If any
person play at any game for any sum of money
or other property of any value, or make any
bet or wager for money or other property of

place and the occupant, is unlawfully used as a
gaming house or place for the purpose of gam-
ing for money or other property, and that per-
sons resort thereto for that purpose, whether
they be known to the complainant or not, such
magistrate may issue his warrant for the pur-
pose of searching such house or building for and
seizing the implements or gambling devices
mentioned in section 13198, and for the appre-
hension of the occupant or keeper thereof; and
the said implements and keeper shall be carried
before such magistrate to be dealt with as
provided by law. [C51, §2725; R60, §4364; C73,
§407; C97, §4968; C24, 27, §13200.]

13201. Destroying gambling devices. Any

gaming device brought before the magistrate
may be destroyed by him, and an entry thereof
shall be made upon his docket. [C51, §2726; R60,
§4364; C73, §4027; C97, §4968; C24, 27, §13201.]

13202. Gaming and betting defined. If any
person play at any game for any sum of money
or other property of any value, or make any
bet or wager for money or other property of

place and the occupant, is unlawfully used as a
gaming house or place for the purpose of gam-
ing for money or other property, and that per-
sons resort thereto for that purpose, whether
they be known to the complainant or not, such
magistrate may issue his warrant for the pur-
pose of searching such house or building for and
seizing the implements or gambling devices
mentioned in section 13198, and for the appre-
hension of the occupant or keeper thereof; and
the said implements and keeper shall be carried
before such magistrate to be dealt with as
provided by law. [C51, §2725; R60, §4364; C73,
§407; C97, §4968; C24, 27, §13200.]

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may be destroyed by him, and an entry thereof
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§4364; C73, §4027; C97, §4968; C24, 27, §13201.]

13202. Gaming and betting defined. If any
person play at any game for any sum of money
or other property of any value, or make any
bet or wager for money or other property of

VOLUME II

CODE OF IOWA

1954

CONTAINING

ALL STATUTES OF A GENERAL AND PERMANENT NATURE

To and including the acts of a permanent nature of the Fifty-fifth General Assembly, 1953

CHARLES W. BARLOW
Code Editor

WAYNE A. FAUPEL
Deputy Code Editor

PUBLISHED BY THE STATE OF IOWA UNDER AUTHORITY OF CHAPTER 14 HEREOF

1954
conviction, be imprisoned in the penitentiary not more than ten years. [S13, § 4944-k; C24, 27, 31, 35, 39, § 13189; C46, 50, § 724.9]

724.9 Enticing to house of ill fame. If any person invite or entice any female, before reputed virtuous, to a house of ill fame, or knowingly conceal or aid or abet in concealing such female as deluded or enticed, for the purpose of prostitution or lewdness, or entice back into a life of prostitution any female who has theretofore been guilty of prostitution and has abandoned it, he shall be imprisoned in the penitentiary not more than ten years. [C51, § 7713; R60, § 4355; C73, § 4018; C97, § 4942; C24, 27, 31, 35, 39, § 13189; C46, 50, § 724.9]

CHAPTER 725

OBSCENITY AND INDECENCY

725.1 Lewdness—indecent exposure. If any man and woman not being married to each other, lewdly and viciously associate and consort together, or if any man or woman, married or unmarried, is guilty of open and gross lewdness, and designately makes an open and indecent or obscene exposure of his or her person, or of the person of another, every such person shall be imprisoned in the county jail not exceeding six months, or be fined not exceeding two hundred dollars. [C51, § 2700; R60, § 4355; C73, § 4012; C97, § 4938; C24, 27, 31, 35, 39, § 13189; C46, 50, § 725.1]

725.2 Lascivious acts with children. Any person over eighteen years of age who shall willfully commit any lewd, immoral, or lascivious act in the presence, or upon or with the body of any part or member thereof, of a child of the age of sixteen years, or under, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person, or of such child, or of corrupting the morals of such child, shall be punished by imprisonment in the penitentiary not more than three years, or by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars. [S13, § 4934; C24, 27, 31, 35, 39, § 13184; C46, 50, § 725.2]

725.3 Immoral plays, exhibitions, and entertainments. Any person who, as owner, manager, director, or agent, or in any other capacity, prepares, advertises, gives, presents, or exhibits in any obscene, indecent, immoral, or impure drama, play, exhibition, show, or entertainment, which would tend to the corruption of the morals of youth or others, and every person aiding or abetting such act and according to the evidence of the law shall be punished by imprisonment in the penitentiary not more than one year, or by fine not exceeding one thousand dollars. [C51, § 2717; R60, § 4359; C73, § 4022; C97, § 4951; C24, 27, 31, 35, 39, § 13189; C46, 50, § 725.3]

725.4 Obscene books or pictures—printing or distributing. If any person import, print, publish, sell, or distribute any book, pamphlet, ballad, or any printed or written paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth, or introduce into any family, school, or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed or written paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be imprisoned in the penitentiary not more than one year, or by fine not exceeding one thousand dollars. [C51, § 2717; R60, § 4359; C73, § 4022; C97, § 4951; C24, 27, 31, 35, 39, § 13189; C46, 50, § 725.4]
273.0 Warrants for search or seizure. An
magistrate or police judge is authorized, on
complaint supported by oath or affirmation
of one or more persons, to issue a warrant
directed to the sheriff of the county within
which such complaint is made, or to any constable
or police officer within said county, directing
him or them, or any of them to search for, seize,
and take possession of such books, papers, pic-
tures, circulars, articles, and things named in
such warrant; and said constable or police judge
shall deliver personally, or shall transmit,
inclosed and under seal, specimens thereof
to the county attorney of his county, and shall
deposit within the county jail of his county,
or other secure place, as to him shall seem
meet, inclosed and under seal, the remainder
thereof, and shall, upon the conviction of the
person or persons offending under the provi-
sions of this chapter, forthwith, in the presence
of the person or persons upon whose complaint
the seizure or arrest was made, if he or they
shall elect to be present, destroy, or cause to
be destroyed, the remainder thereof, and shall
cause to be entered upon the record of his
court the fact of such destruction. [C79, §4903]
[C79, §3194; C46, 50, §725.10]
Referred to in §725.10

275.10 Exceptions—Doctors—druggists—art
ists. Nothing in sections 273.5 to 275.10,
shall be construed to affect the right of
duly licensed medical, dental, or chiropodist,
physicians to prescribe or sell any drug or
medication to any patient, or to possess or use
any drug for the practice of medicine or dentistry;
or the practice of regular practitioners of
medicine or dentistry in their regular practice
or the possession by artists of models in the
necessary line of their art. [C79, §4907; C79,
31, 35, §13185; C46, 50, §725.10]

275.11 Obscene productions by photograph. If
any person exhibit through a phonograph
or any other instrument for reproducing
the human voice, any book, paper, or any
other matter containing any obscene
indecent, or immoral language, he shall be
prisoned in the penitentiary not more than one
year, or be fined not exceeding one hundred
dollars. [C79, §4908; C46, 50, §725.11]

275.12 Exhibition of obscene or immoral
portraits. Any person, firm, or company
who shall exhibit, place on exhibition, or cause
to be exhibited in any public place, or in any
tent, shed, booth, building, or any other
place, any portrait, painting, or other
representation of any person, or any thing,
deemed to be obscene or immoral, or any
representation of any person engaged in
any immoral, disorderly, or unlawful
dealings, or any picture or portrayal of
any person, or any thing, deemed to be
obscene or immoral, or any representation of
any person engaged in any immoral, disorderly,
or unlawful dealings, shall be punished by a
fine not exceeding one hundred dollars, or
imprisoned not more than six months, in
any county jail. [C79, §4909; C46, 50, §725.12]
GENERAL STATUTES
OF KANSAS
1909

AUTHENTICATED

BEING A COMPILATION OF ALL THE LAWS OF A
GENERAL NATURE, INCLUDING THE
SESSION LAWS OF 1909

BASED UPON THE

GENERAL STATUTES OF 1868
DASSLER'S COMPILED LAWS OF 1885
AND GENERAL STATUTES OF 1901

ANNOTATED TO AND INCLUDING KANSAS REPORTS, VOLUME 77,
AND KANSAS APPEALS REPORTS, VOLUME 10

By C. F. W. DASSLER,
OF THE LEAVENWORTH BAR

CRANE & COMPANY, PUBLISHERS
TOPEKA, KANSAS
1910
AN ACT TO PREVENT THE DESCRIBITION OF THE FLAG OF THE UNITED STATES, DEFINING THE SAME AND TO WHAT IT SHALL APPLY, AND TO PUNISH PARTIES CONVICTED THEREOF.

§ 2841. Flag of U. S. § 341. Any person who in any manner, for exhibition or display, shall place, or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States of America, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign upon which shall be printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale or to give away, or for use for any purpose, any article or substance, being an article of merchandise or a receptacle of merchandise, upon which shall have been printed, painted, attached or otherwise placed a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or who shall publicly mutilate, deface, defile, or defry, tamper upon, or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding one hundred dollars, or by imprisonment for not more than thirty days, or both. [L. 1905, ch. 208, § 1; March 4.]

§ 2842. Definitions. § 342. The words "flag," "standard," "color," or "ensign," as used in this act, shall include any flag, standard, color, or ensign, or any picture or representation of either thereof, made of any substance, or represented upon any substance, and of any size, evidently purporting to be either of said flag, standard, color or ensign of the United States of America, or a picture or a representation of either thereof, upon which shall be shown the color, the stars and the stripes, in any number of either thereof, or by which the one seeing the same, without deliberation, may believe the same to represent the flag, colors, standard or ensign of the United States of America. [Id., § 2.]

§ 2843. Act not apply. § 343. This act shall not apply to any act permitted by the statutes of the United States of America or by the United States army and navy regulations, nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, society or lodge emblem, ornamental picture, or stationery for use in correspondence, on any of which shall be printed, painted or placed said flag, disconnected from any advertisement. [Id., § 3.]

ARTICLE 14.—ADVERTISEMENTS AND PUBLICATIONS.

§ 344. Obscene publications and advertisements.

345. Penalty for distributing obscene literature.

346. Penalty for scandalous prints.

347. What deemed publishing.

348. Penalty for blackmailing.

349. Penalty for unlawfully signing name of another.

§ 2844. Obscene publications and advertisements. § 344. That, if any publisher or other person shall by printing, writing, or in any other way publish or cause to be published, or expose to sale any obscene pictures: an account, advertisement or description of any drug, medicine, instrument or apparatus used or recommended to be used, for the purpose of preventing con-
CH. 31
GRAMES AND PUNISHMENTS

309.

1. Every person or persons who shall print, publish, or otherwise cause to be brought into this state, or shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, or any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, intended or purporting to be, or which the person or persons shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, and upon conviction thereof shall be imprisoned not to exceed thirty days.

2. Every person or persons who shall print, publish, or otherwise cause to be brought into this state, or shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, intended or purporting to be, or which the person or persons shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, and upon conviction thereof shall be imprisoned not to exceed thirty days.

3. Every person or persons who shall print, publish, or otherwise cause to be brought into this state, or shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, intended or purporting to be, or which the person or persons shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, and upon conviction thereof shall be imprisoned not to exceed thirty days.

4. Every person or persons who shall print, publish, or otherwise cause to be brought into this state, or shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, intended or purporting to be, or which the person or persons shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, and upon conviction thereof shall be imprisoned not to exceed thirty days.

5. Every person or persons who shall print, publish, or otherwise cause to be brought into this state, or shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, intended or purporting to be, or which the person or persons shall have or cause to be brought into this state, or shall advertise, land, give away, offer, show, exhibit, sell, barter, give away, offer, show, exhibit, or otherwise distribute, any book, pamphlet, or written or printed matter, or any article, or instrument of any kind, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, and upon conviction thereof shall be imprisoned not to exceed thirty days.
REVISED STATUTES
OF KANSAS
(ANNOTATED)
1923

REVISED BY
CHESTER L. LONG, F. DUMONT SMITH AND HUGH P. FARRELLY,
Commissioners appointed by the Supreme Court under authority
of Law, and adopted by the Legislature at the
Regular Session of 1923

CONTAINING ALL LAWS OF A GENERAL NATURE IN FORCE, INCLUDING ACTS PASSED
AT THE REGULAR AND SPECIAL SESSIONS OF 1923, DULY ARRANGED,
EDITED AND NUMBERED, WITH HEADINGS, HISTORY
AND CROSS REFERENCES INSERTED, AS
REQUIRED BY LAW

TO WHICH HAVE BEEN PREFIXED
THE DECLARATION OF INDEPENDENCE; CONSTITUTION OF THE UNITED STATES;
ORGANIC ACT; CONSTITUTION OF THE STATE; ACT OF ADMISSION;
AND AUTHENTICATION OF LEGISLATIVE ACTS,
JUDICIAL PROCEEDINGS AND
PUBLIC RECORDS

PUBLISHED BY AUTHORITY OF
Laws of 1921, Chapter 207
AND
Laws of 1923, Chapter 144

EFFECTIVE DECEMBER 27, 1923

PRINTED AND BOUND BY
THE KANSAS STATE PRINTING PLANT
B. F. WALKER, STATE PRINTER
TOPEKA. 1923
9-1126
21-1103. Scandalous or indecent newspaper or magazine. Every person or persons who shall within this state, edit, publish, circulate or disseminate any newspaper, periodical, magazine or any printed matter or publication, or cause or procure the same to be done, is guilty of a misdemeanor and upon conviction thereof shall be fined not more than five nor less than three hundred dollars, or be imprisoned not to exceed thirty days, or both.

21-1104. Publication in another state. A publishing, or editing in another state and sending and carrying into this state, shall be deemed, taken and held to be a publishing and circulating within this state.

21-1105. Indecent or immoral pictures or post cards. That it shall be unlawful for any person, firm or individual, or partnership, or corporation, or trade name, or any combination of two words or more, to sell or distribute, or cause or procure the sale or distribution of, any post card, picture or any other form of printed or telegraphic message, which shall be immoral or obscene.

21-1106. Penalty for violation of preceding section. That any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than ten ($10) dollars and not exceeding one hundred ($100) dollars and upon conviction thereof, the court shall assess and impose as a fine not exceeding one day's labor in the county jail, and in no case shall the fine exceed one hundred dollars, or a term of imprisonment not to exceed one year, or both, in the discretion of the court.

21-1107. Misrepresentation of newspaper. Any newspaper publisher, or any employee thereof, and any director, officer, or manager of any corporation which corporation owns, or controls, or publishes any newspaper, and any employee of such corporation, who falsely and fraudulently, for the purpose of promoting the interests of such newspaper, announces, or publishes, falsely and fraudulently or for the purpose of obtaining subscriptions, and such name or names, and shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five nor less than three hundred dollars, or be imprisoned not to exceed thirty days, or both.

21-1108. Advertisement of advertisements. Every person or persons who shall within this state, edit, publish, circulate or disseminate any newspaper, periodical, magazine or any printed matter, is guilty of a misdemeanor and upon conviction thereof shall be fined not more than five nor less than three hundred dollars, or be imprisoned not to exceed thirty days, or both.

ARTICLE 11.—Advertisements and Publications.
county of the state with the view of lynching any person, or in case any person or persons shall purchase or procure any rope, weapon, or other instrument in one county for the purpose of being used in lynching any person in another county, such crime of lynching, if committed, shall constitute a continuous offense from the time of its original inception as aforesaid; and the courts of any county in which such overt act has been committed shall have jurisdiction over the person of any member of the mob committing such overt act, and such person may be prosecuted in such county and punished for murder in the same as if the lynching had occurred therein. [L. 1903, ch. 221, § 4; June 1; R. S. 1923, § 21-1006.]

21-1007. Office of sheriff vacated when prisoner taken and lynched; reinstatement. If any person shall be taken from the hands of a sheriff or his deputies having such person in custody and shall be lynched, it shall be evidence of failure on the part of such sheriff to do his duty, and his office shall thereby and forthwith immediately be vacated, and the county shall immediately succeed to and perform the duties of sheriff until the appointment of an existing or existing law providing for the filling of vacancies in such office, and such sheriff shall not thereafter be eligible to the next or any subsequent election to the office of sheriff. Provided, However, That such former sheriff may, within ten days after such lynching occurs, file a bond in the sum of one thousand dollars with the county treasurer of the county in which such lynching occurred, and also to the attorney general. If the county, upon hearing the evidence and argument, if any, presented, shall find that such sheriff used reasonable efforts to prevent the taking of such person, and performed the duties required of him by existing laws protecting the person of prisoners, then such sheriff shall reinstate such sheriff in his office or shall issue to him a certificate of reinstatement, the same to be effective on the day of such order of reinstatement, and the decision of such governor shall be final. [L. 1903, ch. 221, § 5; June 1; R. S. 1923, § 21-1007.]

21-1008. Sheriff may command assistance; penalty for failure to assist; removal of prisoner to state prison or reformatory. If at any time the sheriff has reason to believe and does believe that any prisoner in his custody is in danger of being lynched, it shall be his duty to at once command all bystanders and all others with whom he can directly communicate to aid and assist him in the defense of such prisoner, and to furnish such bystanders with such weapons of defense as shall be necessary to protect such prisoner, and if such weapons are not at hand, shall be the duty of such sheriff to procure and furnish such weapons to such assistants. And if any such bystander or other persons so communicatd with shall fail to or refuse to assist such sheriff in defending, to the utmost of his powers, such prisoners, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars, or imprisoned in the county jail for a period not exceeding six months. Provided, That if at such time it is compatible with the safety of the prisoner, the sheriff shall immediately remove such prisoner to the state prison or reformatory which may be deemed the most accessible. [L. 1903, ch. 221, § 6; June 1; R. S. 1923, § 21-1008.]

21-1009. Militia for aid of sheriff; expenses. If at any time any sheriff has reason to believe, and does believe, that a prisoner in his custody is in danger of being lynched, and that he has no deputies and assistants, as above provided for, or are not able to protect the person of such prisoner without additional help, it shall be his duty to at once, by telegraph, or otherwise, notify his superior officer, and the governor of such facts, and to ask for the aid of the militia of the state to protect such prisoner, whereupon the governor shall be authorized to furnish such militia as may be necessary to protect such prisoner, and shall do all in his power to render such assistance. Provided, however, that such sheriff shall not make such demand upon the governor until he shall have exhausted all of the means above provided for in the act for the protection of such prisoner. [L. 1903, ch. 221, § 7; June 1; R. S. 1923, § 21-1009.]

Article 11.—ADVERTISEMENTS AND PUBLICATIONS

21-1101. Obscene publications or advertisements; lotteries; penalties; medical works excepted. That any publisher or other person shall use any advertisement or description of any drug, medicine, instrument or apparatus or be published, or in any newspaper, circular, or book, or in any way, shall, in any way, or in any manner, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement or in any way, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement or in any way, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement or in any way, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement or in any way, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement or in any way, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement or in any way, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement or in any way, or in any manner, or in any manner, or in any manner, or in any manner, be sold or distributed any advertisement...
book, pamphlet, paper, picture, print, drawing, figure, image, or other engraved, printed or written matter, or any article or instrument of immoral use, or any book, pamphlet, magazine, or paper devoted principally or wholly to the publication of criminal news or pictures, or stories of deeds of bloodshed or crime, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than three hundred dollars, or be imprisoned not to exceed thirty days, or both. [L. 1888, ch. 101, § 1; Feb. 27; R. S. 1923, § 211103.]

21-1103. Slanderous or indelicate newspaper, magazine, or pamphlet; penalty. Every person or persons who shall aid in the production, publication, issue, sale, or distribution of any newspaper, magazine, or printed paper devoted largely to the publication of scandalous, lewd, immoral or indecent conduct of persons, or any person or persons who shall knowingly have in his or her possession for sale, or shall keep for sale, or expose for sale, or supply, or in any way assist in the sale, of any such newspaper, magazine, or printed paper in this state, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than two or more than five years. [L. 1889, ch. 101, § 1; March 2; R. S. 1923, § 211103.]

21-1104. Publication in another state. A newspaper, or any part thereof, published in another state and sent into this state shall be deemed, taken and held to be a part of the newspaper, or newspaper circulation, and shall be subject to the same laws and penalties as though the same were printed in this state. [L. 1925, ch. 151, § 2; March 21; R. S. 1925, § 211104.]

21-1105. Indecent or immoral pictures or post cards. That it shall be unlawful for any person, firm, corporation to manufacture, print, paint, or letter any post card with an indecent or immoral picture or any words or sentence on such cards of a suggestive or immoral nature or character, and that it shall be unlawful for any person, individual or corporation to keep for sale or for the purpose of giving away such indecent, immoral or suggestive post cards or having the same in their place of business for the purpose of selling same or giving them away. [L. 1913, ch. 181, § 1; April 30; R. S. 1925, § 211105.]

21-1106. Same; penalty. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than ten ($100) dollars, and in the county jail not to exceed one year, or both such fine and imprisonment. [L. 1913, ch. 181, § 2; April 30; R. S. 1925, § 211106.]

21-1107. Newspaper misrepresentation as to circulation; penalty; remedies of advertiser. Any newspaper publisher, or any employee thereof, and any advertiser, officer or manager of any corporation which publishes a newspaper, and any employee of such corporation, who falsely and fraudulently for the purpose of obtaining advertising for and in any newspaper so published, shall repres-
VOLUME No. 2

Kansas Statutes Annotated

To be Cited as: K. S. A. 16-101

CONTAINING CHAPTERS 16 THROUGH 23
OF THE GENERAL LAWS AND LAWS OF A GENERAL NATURE IN FORCE
INCLUDING THOSE ENACTED IN 1963

Duly Arranged, Numbered, Annotated and Indexed
With Histories, Notes and References
As Required by Law

Compiled and Edited by
FRANKLIN CORRIE, Revisor of Statutes
Of and For the State of Kansas

UNDER AUTHORITY OF
Session Laws of 1983, Chapter 454; K. S. A. 77-131 to 77-138

PRINTED AND BOUND BY
HARRY "Bud" Timberlake, State Printer
TOPEKA, KANSAS, 1964
21-1102. Obscene literature; unlawful acts; penalty; test as to obscenity. (a) Any person who shall import, print, publish, sell, design, prepare, loan, give away or distribute any book, magazine, newspaper, writing pamphlet, ballad, printed paper, print, picture, drawing, photograph, publication or other thing, containing obscene, immoral, lewd or lascivious language, or obscene, immoral, lewd or lascivious prints, pictures, figures or descriptions, manifestly tending to the corruption of the morals of persons, or shall introduce into any family, school or place of education or shall buy, procure, receive or have in his possession, any such book pamphlet, magazine, newspaper, writing, ballad, printed paper, print, picture, drawing, photograph, publication or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into any family, school or place of education, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five ($5) nor more than three hundred dollars ($300), or be imprisoned not to exceed thirty (30) days, or both.

(b) The test to be applied in cases under subsection (a) of this section shall not be whether sexual desires or sexually improper thoughts would be aroused in those comprising a particular segment of the community, the young, the immature or the highly prudish, or would leave another segment, the scientific or highly educated or the so-called worldly wise and sophisticated, indifferent and unmoved. But such test shall be the effect of the book, picture or other subject to complaint considered as a whole, not upon any particular class, but upon all those whom it is likely to reach, that is, its impact upon the average person in the community. The book, picture or other subject of complaint must be judged as a whole in its entire context, not by considering detached or separate portions only, and by the standards of common conscience of the community of the contemporary period of the violation charged.

[21-1102]
CASE ANNOTATIONS


21-1102a. Same; publication or distribution; penalty. Any person who publishes or distributes for resale or for reading or other perusal any book, magazine or pamphlet, so composed as to constitute a compilation of pictures, illustrations, caricatures, cartoons, words, stories and advertisements, or any combination or combinations thereof, featuring and primarily devoted for the purpose of commercial exploitation, to the description or portrayal or suggestion of illicit sex, or sexual relations, or perversion, lust or sexual passion, or to any combination or combinations thereof, shall be guilty of a violation of section 1 [21-1102] of this act and punished as therein provided. [L. 1961, ch. 186, § 2; June 30.]

CASE ANNOTATIONS


21-1102b. Same; requiring purchase of certain literature unlawful; penalty. Any person who shall as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other article, book or other publication which is contrary to section 1 [21-1102] of this act, or shall deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure of any person to accept such articles, book or publications, or by reason of the return thereof, shall be guilty of a violation of section 1 [21-1102] of this act and punished as therein provided. [L. 1961, ch. 186, § 5; June 30.]

Cross References to Related Sections:

Similar act applicable to wholesalers, see 21-1119, 21-1120.

21-1102c. Same; search warrant; seizure and destruction, when. Whenever any district, county, common pleas, or city court judge or justice of the peace receive an information or complaint, signed and verified upon information and belief by the county attorney or the attorney general, stating there is any prohibited lewd, lascivious or obscene book, magazine, newspaper, writing, pamphlet, ballad, printed paper, print, picture, motion picture, drawing, photograph, publica-

CRIMES AND PUNISHMENTS

21-1106. Same violating the peace of a person committed or by reason of a prohibited item or items, for the purpose of keeping away such offensive post card or cards of business, or giving them to any person or giving them to a shop from which they were taken, is guilty of an offense, punishable by imprisonment not to exceed one hundred and thirty days, or a fine not to exceed ten dollars.

21-1107. No person, firm, or corporation, or any director, officer
CARROLL'S
KENTUCKY STATUTES
ANNOTATED
Complete in One Volume

Containing All Laws of a General Nature in Force
to January 1, 1930 and the Constitution Annotated

"KEYED"
TO KENTUCKY TEXT AND PRACTICE BOOKS

Official Edition, Revised to January 1, 1930

UNDER THE EDITORIAL SUPERVISION OF
WILLIAM EDWARD BALDWIN
Editor, Carroll's Official Statutes of Kentucky, 1922; Ohio General Code;
Tennessee Code; Texas Statutes; Baldwin's Law Dictionary, Baldwin's Revision

LAWS EDITED BY
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ANNOTATIONS BY
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Asst. Editor, Ohio Code; Ohio Digest

GEORGE C. TRAUTWEIN
Managing Editor

THE BALDWIN LAW BOOK COMPANY
Incorporated
LOUISVILLE


§1346. Telegraph or telephone agent, transmitting false intelligence; withholding messages.

No agent, officer or manager of a telegraph or telephone line in this state, or any person, shall knowingly transmit, or cause to be transmitted, any false communication or intelligence with intention to injure any person, or to speculate on any article of merchandise, commerce or trade, or with intent that another may do so; or if any agent, manager of a telegraph or telephone line, or person, employs, or who has contracted to labor for a fixed period of time, to abandon such contract before such period of service shall have expired, without the consent of the employer, he shall be fined not exceeding fifty dollars, and be liable to the party injured for such damages as he or they may have sustained. (1893, c. 182, p. 756, § 214.)

§1347. Discharging firearms in city or town.—No person shall shoot or discharge any firearm in a city or town, unless necessary for the protection of person or property; he shall be fined not exceeding fifty dollars; but if the city or town authorities shall permit shooting outside of designated limits on particular occasions, or in designated places. (1893, c. 182, p. 756, § 22.)

§1348. Person drunk or asleep about the capital square.—If any person shall lie drunk or asleep on the pavement or sidewalks in front of the state house, or around the inclosure in which it is situated, or on the floors or steps of state house or other buildings, or in any other structure in said inclosure, he shall be arrested and fined not less than five nor more than ten dollars. (1893, c. 182, p. 756, § 226.)

§1349. Enticing laborer to abandon contract or influence any person

No person, who has contracted to labor for a fixed period of time, to abandon such contract before such period of service shall have expired, without the consent of the employer, he shall be fined not exceeding fifty dollars, and be liable to the party injured for such damages as he or they may have sustained. (1893, c. 182, p. 756, § 214.)

§1350. Wage-earners; penalty for not paying in money.—That any corporation or person or persons having the ownership or control of any factory, mine or workshop in this Commonwealth, who shall violate the provisions of Const. § 244 reading as follows: "All wage-earners in this state employed in factories, mines, work-shops or by corporations shall be paid for their labor in lawful money," shall be guilty of a misdemeanor, and, on trial and conviction, have, in any court of competent jurisdiction, shall be fined not exceeding five hundred dollars for each violation thereof. (1892, c. 35, p. 54.)

See Gregory's Ky. Crim. Law, § 837.

§1351. Obscene books, papers or pictures; printing or disposing of.—It shall be unlawful for any person to sell or offer for sale, or to print or publish, or to bring into this state for the purpose of importing, giving away, or otherwise disposing of, or to circulate, or aid in circulating, in any way, any paper, book or periodical, the chief feature or characteristics of which is to record the commission of crimes, to display by cuts or illustrations crimes committed, the actors, pictures of criminals, desperadoes, fugitives from justice, and acts or illustrations of men and women in improper dress, lewd and unbecoming positions, or men and women influenced by liquors, drugs or stimulants. Any person guilty of a violation of this section shall be fined not less than twenty-five dollars and not more than two hundred dollars. (1893, c. 182, p. 756, § 317.)

§1352. Selling obscene literature.—Any person or corporation who sells, lends, gives away or shows or offers to sell, lend, give
away or show, or has in his possession with intent to sell, lend or give away, or to show, or advertises in any manner, or who otherwise offers for loan, gift, sale or distribution, any obscene, lewd, lascivious, filthy, indecent or disgusting book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, figure or image, or any written or printed matter of an indecent character; or any article or instrument of indecent or immoral use, or purporting to be for indecent or immoral use or purpose, or who designs, copies, draws, photographs, prints, utters, publishes or in any manner manufactures or prepares any such book, picture, drawing, magazine, pamphlet, newspaper, story paper, writing, paper, figure, image, matter, article or thing, or who writes, prints, publishes or utters, or causes to be written, printed, published or uttered, any advertisement or notice of any kind that information directly or indirectly, stating, or purporting so to do, where, by whom, or by what means, any or what purposes to be any, obscene, lewd, lascivious, filthy, disgusting or indecent book, picture, writing, paper, figure, image, matter, article or thing named in this section, can be purchased, obtained or had. (1894, c. 2, p. 3, § 1.)

This section referred to in K.S. § 1354.
K.S. § 1355 to 1356 are referred to in K.S. § 1355.

Construction of section. R.Kaenef v. Com., 134 Ky. 575, 121 S.W. 488.

This section should be read with K.S. § 1354 to supply the technical omission of the penalty from this section. The publication in a single issue of an indecent or filthy article is a violation of this section without regard to the general quality of the newspaper. The account of the Thaw trial and of the details presented therein, were not obscene within the meaning of this section. Com. v. Evening Post Co.; Com. v. Louisville Times; Com. v. Herald Publishing Co., 128 Ky. 424, 32 R. 1303, 108 S.W. 892.

§ 1358. Selling police reports or accounts of crime.—Any person or corporation who prints, utters, publishes, sells, lends, gives away or shows, or has in his possession with intent to sell, lend, give away or show, or otherwise offers for sale, loan, gift or distribution, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, and principally made up of criminal news, police reports or accounts of criminal deeds, or pictures or stories of deeds of bloodshed, lust or crime. (1954, c. 2, p. 3, § 2.)

This section referred to in K.C. § 1354.

§ 1354. Penalty for violation of law.—Any person or corporation who is guilty of a violation of § 1352 and 1353, or either of them, or in any manner hires, employs or permits any minor child to do or any act in doing any act or thing mentioned in sections is guilty of an misdemeanor, and the conviction, shall be sentenced to not more than ten days nor more than one year's imprisonment, or be fined not less than $50 nor more than $1,000, or both fined and imprisoned for each such offense. (1894, c. 85, p. 198, amending 1894, c. 3, § 3.)

§ 1355. Publications law does not apply.—The provisions of this act (§ 1358) shall not be construed so as to apply to works of a scientific character or anatomy, surgery, obstetrics or other scientific publications; nor shall said act prevent the publishers or book dealers from issuing books of the aforesaid character. (1894, c. 2, p. 3, § 4.)

§ 1356. Employment of convict or person under sentence.—Any person who knowingly employs in labor of any kind in this state a convict or person under sentence or in another state, shall be fined not less than one hundred nor more than five hundred dollars for each such person so employed. (1893, c. 162, p. 763, § 7.)

§ 1357. Aiding person in jail or custody in effort to escape.—When a person charged with a felony is lawfully detained in jail or in custody, any person who shall aid in any way aid or assist in the escape of such person if the escape is not effectual or if person so detained is charged with a misdemeanor, whether the escape be effectual or not, the person so aiding or assisting shall be fined not less than one hundred nor more than five hundred dollars. (1893, c. 185, § 756, § 756d, § 219.)

Aiding prisoner so escape, penalty. K.S. § 1358.
Escaping from jail, penalty. K.S. § 1359.
Indictment. When averments insufficient. K.S. § 1354.
Indictment and punishment. K.S. § 1356.

The offenses mentioned in this section are the same offenses as those mentioned in K.S. § 1358.

(a) One who aids in the attempted but failed escape of a prisoner confined under a felony arrest is guilty only of a misdemeanor.
(b) The offenses denounced by this section are degrees of the offenses denounced by K.S. § 1358.

Gros v. Com., 262 Ky. 398, 98 S.W. 947.

§ 1358. Sale or concealment of personal property subject to execution or lien.—If any person shall fraudulently conceal, dispose of or remove from this state any personal property on which there is a lien, the time a mortgage of record or any given under the statute laws of the Commonwealth of Kentucky with intent to prevent the enforcement of the lien thereof or the foreclosure of the mortgage or deed by any process, or by any means whatever, shall be guilty of a felony.
436.090. Manufacture, distribution or advertising of articles for immoral use.—Any person who manufactures, sells, lends, gives away or shows, or offers to sell, lend, give away or show, or has in his possession with intent to sell, lend, give away or show, or advertises in any manner or otherwise offers for distribution any article or instrument of indecent or immoral use or purporting to be for an indecent or immoral use or purpose, or who employs, uses or permits any minor to do so, shall be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000), or imprisoned for not less than ten (10) days nor more than one (1) year, or both. (1352, 1354)

436.100. Distribution of obscene literature. [Repealed.]

Compiler's Note. This section (Acts 1962, ch. 278, §§1 to 4) was repealed by Acts 1966, ch. 40, §10.

436.101. Obscene matter, distribution, penalties, destruction.—(1)

As used in this section:
(a) "Distribute" means to transfer possession of, whether with or without consideration.
(b) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.
(c) "Obscene" means that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters.
(d) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.
(2) Any person who, having knowledge of the obscenity thereof, sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene
AN ANNOTATED REVISION

OF THE

STATUTES OF LOUISIANA

THROUGH THE SESSION OF 1915

CONTAINING ALL THE EXISTING LAWS OF THE STATE
OF A GENERAL CHARACTER, EXCEPT THOSE
EMBRACED IN THE REVISED CIVIL CODE
OF 1870 AND THE REVISED CODE OF
PRACTICE OF 1870, ARRANGED IN
ORDER AND REDUCED TO
ONE CONNECTED TEXT

BY

ROBERT H. MARR
OF THE NEW ORLEANS BAR

Jam vero illud stultissimum, existimare omnia justa esse, quae sita
sint in populum institutis aut legibus, Cic. de Leg. I. 15.

VOLUME I.

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NEW ORLEANS

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who shall wilfully and intentionally violate his said contract, grant or franchise by making an overcharge, or demand, exact or receive other charge not contained or provided for in said contract, franchise, grant or lease shall be guilty of a misdemeanor, and shall on conviction thereof be fined for the first offense not more than twenty-five dollars or not more than thirty days' imprisonment in default of payment of said fine, and for the second and subsequent offenses not more than fifty dollars or sixty days' imprisonment in the parish jail or both at the discretion of the court for each violation.

**Obscene Literature and Articles.**

**2088.** [Sec. 1, Act 111, 1884, p. 148.] If any person shall bring or cause to be brought into this State, for sale or exhibition, or shall sell or offer to sell or shall give away or offer to give away, or having possession thereof, shall knowingly exhibit to another, any indecent pictorial newspaper, tending to debauch the morals, or any indecent or obscene book, pamphlet, paper, drawing, lithograph, engraving, daguerrotype, photograph, picture or any model cast, instrument or article of indecent and obscene use, or shall advertise any of said articles or things for sale, by any form of notice, printed, written or verbal, or shall manufacture, draw or print any of said articles, with intent to sell or expose, or to circulate the same, such person so offending, shall be guilty of a misdemeanor, and, on conviction, shall be punished by fine and imprisonment or both at the discretion of the court.

**Posting Obscenity.**

**2089.** [Sec. 2.] If, in any public place, on any fence, or wall or other surface contiguous to the public street, or on the floor or ceiling, or on the inner or outer wall of any closet, room, passage, hall or any part of any hotel, court house, church, school, station house, depot for freight or passengers, capitol or other buildings devoted or open to other or like public uses, or on the walls of any out-buildings or other structure pertaining thereto, and frequented by the users thereof, any person shall make or cause to be made, any obscene drawing or picture, or obscene writing or print, liable to be seen of others passing or coming near the same, such person, so offending, shall be guilty of a misdemeanor and on conviction shall be punished as provided in Sec. 1 of this act, provided, that this act shall not apply to scientific works or recognized works of art.
or in blank and who has possession of said certificate, shall be regarded as
the legal owner thereof, with full power to pledge, sell or otherwise dispose
of said stock, and no person, corporation, firm nor transfer agent shall be
responsible to any one claiming any interest in, or ownership of, said stock,
or any part thereof, by virtue of any undisclosed or latent legal or conven-
tional title or interest therein.

HOW TO TRANSFER.

Sec. 2. Be it further enacted, etc., That the possession of a stock cer-
tificate, duly endorsed by or standing in the name of, a person, firm or cor-
poration, shall be full and sufficient authority to any such person, firm or cor-
poration, or to any transfer agent making the transfer of said stock, to trans-
fer such stock when instructed so to do, and such possession and endorse-
ment shall be full protection to any person, firm or corporation purchasing
or lending money in good faith on said stock.

Sec. 3. Be it further enacted, etc., That all laws in conflict with this Act
be, and the same are, hereby repealed.

SKINNING ANY DEAD COW, ETC., THE PROPERTY
OF ANOTHER (p. 401).

Act 109 of 1898, p. 158.

AN ACT making it a misdemeanor to skin any dead cow, bull, steer or brute,
the property of another, for the purpose of taking said skin and appropri-
ating it to his own use and benefit, without the consent of the owner.

Section 1. Be it enacted by the General Assembly of the State of Louisi-
tans, That whoever shall skin any dead cow, bull, steer or brute, the prop-
erty of another, for the purpose of taking said skin and appropriating it to
his own use and benefit, without the consent of the owner thereof, shall be
guilty of a misdemeanor, and upon conviction thereof before any court of
competent jurisdiction, shall suffer fine or imprisonment or both at the dis-
cretion of the court, provided that the owner shall have the right to claim
the skin where found, without stopping the criminal prosecution.

Sec. 2. Be it further enacted, etc., That all laws or parts of laws incon-
sistent herewith are hereby repealed.

INTRODUCTION, ETC., OF OBSCENE LITERATURE
(p. 445).

Act 111 of 1884, p. 148.

AN ACT to suppress and prevent the introduction, exhibition, circulation or
use, in this State, of obscene literature and of indecent prints, pictures
and other objects of immoral use or tendency therein defined; to pre-
vent and suppress obscene writings or drawings in public places; to
make the same penal and to punish therefor.

Section 1. Be it enacted by the General Assembly of the State of Louisi-
tana, That if any person shall bring or cause to be brought into this State,
for sale or exhibition, or shall sell or offer to sell or shall give away, or
having possession thereof, shall knowingly exhibit to another, any indecent
pictorial newspaper, tending to debase the morals, or any indecent or ob-
scene book, pamphlet, paper, drawing, lithograph, engraving, daguerreotype,
photograph, picture or any mode cast, instrument or article of indecent or
obscene use, or shall advertise any of said articles or things for sale, by any
form of notice, printed, written, or verbal, or shall manufacture, draw or
print any of said articles, with intent to sell or expose, or to circulate the
Prize Fighting—Boxing Contests

same, such person so offending shall be guilty of a misdemeanor, and, or
conviction, shall be punished by fine and imprisonment or both at the discre-
tion of the court.

Sec. 2. Be it further enacted, etc. That if, in a public place, on any
fence, wall or other surface contiguous to the public street or on the floor
or ceiling, or on the inner or outer wall of any closed, room, passage, hall,
or any part of any hotel, courthouse, church, school, station-house, depot for
freight or passengers, capitol or other buildings devoted or open to other or
like public uses, or on the walls of any out buildings or other structure par-
taking thereof, and frequented by the users thereof, any person shall make
or cause to be made, any obscene drawing or picture, or obscene writing or
print, liable to be seen by others passing or coming near the same, such
person so offending shall be guilty of a misdemeanor and on conviction shall
be punished as provided in Section 1 of this Act, provided, that this Act
shall not apply to scientific works or recognized works of art.

PROHIBITING PRIZE FIGHTING (p. 465).

Act 25 of 1890, p. 19.

AN ACT defining the crime of prize fighting, and to provide for the punish-
ment thereof in and out of the State of Louisiana.

Section 1. Be it enacted by the General Assembly of the State of Louisi-
ana, That any person who shall send, or cause to be sent, publish or other-
wise make known, a challenge to fight, what is commonly called a prize
fight, or who shall accept any such challenge, or who shall engage in such
fight, or go into training preparatory to such fight, or act as trainer for any
such, contemplating a participation in such fight, and any person who shall
act as elder or abbot, backer, umpire, second, surgeon, or assistant at such
fight or in preparation for such fight, shall, upon conviction thereof, be
deemed guilty of a misdemeanor and be punished by imprisonment in the
parish jail for not more than six months, and be fined not more than five
hundred dollars ($500.00).

Sec. 2. Be it further enacted, etc. That any person who shall agree, in
this State, to fight out of this State, or shall train in this State to fight out
of this State, or who shall go or attempt to go out of this State, to fight in
any other State, place or territory, or, being in this State, shall in any man-
ner or way aid, abet, assist a fight or attempt to fight out of this State, what
is commonly called a prize fight, shall be deemed guilty of a misdemeanor,
and be punished by imprisonment in the parish jail for not more than six
months and be fined not more than five hundred ($500) dollars.

Provided this act shall not apply to exhibitions and glove contests be-
tween human beings, which may take place in the within, the rooms of regu-
larly chartered athletic clubs.

Note. Prize fights may be with or without gloves or gloves of different weight.
They are preceded by elaborate preparations and training and a prize or purse is
given to the winner. The provision applies to boxing contests within the rooms of regu-
larly chartered athletic clubs, as indicated to the body of the act and is rejected as
in no way part of the act. The State vs. The Olympic Club, 47 An. 1605.

BOXING CONTESTS.

Act 63 of 1914, p. 155.

AN ACT to permit boxing contests in the State under certain conditions.

Section 1. Be it enacted by the General Assembly of the State of Louisi-
a, That boxing or sparring contests or exhibition of not more than twenty
(20) rounds, with gloves of not less than five ounces in weight, may be held
or given by any incorporated Athletic Club or Association, chartered under
the laws of this State, in any building or arena owned by such club or assi-
PROJET
OF THE
LOUISIANA REVISED STATUTES
OF
1950

Prepared by the
Louisiana State Law Institute

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20. Homesteads and Exemptions
21. Hotels and Lodging Houses
3. ABORTION

§ 87. Abortion
Abortion is the performance of any of the following acts, for the purpose of procuring premature delivery of the embryo or fetus:

1. Administration of any drug, potion, or any other substance to a pregnant female; or

2. Use of any instrument or any other means whatsoever on a pregnant female.

Whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one nor more than ten years.
(Source: Acts 1942, No. 43, § 1, Art. 87.)

§ 88. Distribution of abortifacients
Distribution of abortifacients is the intentional:

1. Distribution or advertisement for distribution of any drug, potion, instrument, or article for the purpose of procuring an abortion; or

2. Publication of any advertisement or account of any secret drug or nostrum purporting to be exclusively for the use of females, for preventing conception or producing abortion or miscarriage.

Whoever commits the crime of distribution of abortifacients shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.
(Source: Acts 1942, No. 43, § 1, Art. 88.)

4. CRIME AGAINST NATURE

§ 89. Crime against nature
Crime against nature is the unnatural carnal copulation by a human being with another of the same or opposite sex or with an animal. Emission is not necessary, and, when committed by a human being with another, the use of the genital organ of one of the offenders of whatever sex is sufficient to constitute the crime.

Whoever commits the crime against nature shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not more than five years, or both.
(Source: Acts 1942, No. 43, § 1, Art. 89.)
WEST'S
LOUISIANA STATUTES
ANNOTATED

REVISED STATUTES

Sections 14:1 to 14:End

Under Arrangement of the Official
Louisiana Revised Statutes of 1950

Volume 9

Special Feature

Official Reporters' Comments
prepared for the
Louisiana Criminal Code

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R.S. 14:86  OFFENSES AFFECTING PUBLIC MORALS

Notes of Decisions

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Validity of prior laws 1

1. Validity of prior laws

Act No. 10 of 1906, criminalizing detention of woman against her will by force for purpose of "prostitution" or any unlawful sexual intercourse was unconstitutional, because broader than its title. State v. Rawls, 1928, 161 La. 628, 109 So. 146.

2. In general

That defendant after excising pancreas of another State in violation of statute made further representations followed by her prostitution did not affect venue. State v. Wood, 1915, 130 La. 608, 67 So. 542.

2. ABORTION

§ 87. Abortion

Abortion is the performance of any of the following acts, for the purpose of procuring premature delivery of the embryo or fetus:

(1) Administration of any drug, potion, or any other substance to a pregnant female; or

(2) Use of any instrument on any other means whatsoever on a pregnant female.

Whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one nor more than ten years.

History and Source of Law

Source:
Acts 1942, No. 43, § 1, Art. 87.

Prior Laws:
Rev. St. 1870, § 807.

Reporters’ Comment

Louisiana statutes covered:
R.S. 1870, § 807; Acts 1888, No. 24, § 1 (abortion).

In general:

Any attempt to make the abortion laws of a jurisdiction more modern or more liberal is certain to provoke a very serious theoretical and controversial discussion. The Council felt that as a matter of policy any potential difficulty of this nature should be avoided by retaining the former Louisiana statute in substance. The form of the former Louisiana statute had to be modified considerably, however, not only to make it consistent with the rest of the Code, but also because in its then present form it was very obscure.

Female not responsible:

It is intended that the usual rule, which also prevails in Louisiana, to the effect that the female herself is not criminally responsible, shall continue. See Simmons v. Ins. Co., La.App. 1932, 139 So. 68; Clark and Marshall, Law of Crimes (4th ed., 1940) 262, § 229.

Cross References

Physician, license revocation, etc., see R.S. 37:1255.
Therapeutic abortion, see R.S. 37:1255.

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SEXUAL IMMORALITY

Law Review Commentaries

Prenatal rights and legal duties. 5
Loyola L.J. 204 (May 1924).

Right of the unborn child to life. 3
Loyola L.J. 20 (Nov.1921).

Therapeutic abortions, lack of exception in the statute, a critique. Clarence J. Morrow, 1 Tulane L.Rev. 21 (Sept. 1919).

Comparative Laws

Alabama—Code 1940, Tit. 14 § 9.
Ark.—A.C.A.1939, § 49-301.
Ark.—Ark.Stats. § 41-301.
Cal.—Penal Code, § 274.
Fla.—F.S.A. 775.21.
Ind.—S.H.A. ch. 38, § 3 et seq.
Iowa—L.C.A. § 701.1.

Minn.—M.S.A. § 617.18 et seq.
Mo.—V.A.M.S. § 559.100.
N.Y.—McKinney’s Penal Law § 89 et seq.
Okla.—21 Okl.St.Ann. § 86I et seq.
Tenn.—Williams’ Code, § 10721.
Tex.—Vernon’s Ann.P.O. art. 1191.

Notes of Decisions

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4. Validity of prior law

The title of Act No. 24 of 1888, being “to amend and re-enact” Rev.St. § 807, was sufficient, without more, and further description of the act amended did not render the title bad as to the object expressed. State v. Maurer, 1915, 126 La. 746, 67 So. 816.

Act No. 24 of 1888, amending Rev.St. § 807, relating to abortion was not unconstitutional, as containing two objects. Id.

2. In general

A pregnant female who voluntarily becomes the subject of an abortion without justifiable medical reason, is guilty of an criminal offense under Louisiana Laws. Payne v. Louisiana Indus. Life Ins. Co. App.1948, 33 So.2d 444.

Fact that insured died as result of a criminal abortion, to which she had voluntarily submitted, did not relieve insurer from liability on life policy under provision that no benefits shall be payable if insured dies as result of a “violation of the law,” since submission to a criminal abortion is not a crime. Id.

3. Construction and application

Unless act could be said to fall within meaning of words of Rev.St.1970, § 807, it was not criminal act, though it came within mischief sought to be remedied and was equally atrocious with acts enumerated by statute. Simmons v. Victory Industrial Life Ins. Co. of Louisiana, 1932, 18 La.App. 500, 139 So. 63.

§ 88. Distribution of abortifacients

Distribution of abortifacients is the intentional:

1) Distribution or advertisement for distribution of any drug, potion, instrument, or article for the purpose of procuring an abortion; or
R.S. 14:88  OFFENSES AFFECTING PUBLIC MORALS

(2) Publication of any advertisement or account of any secret drug or nostrum purporting to be exclusively for the use of females, for preventing conception or producing abortion or miscarriage.

Whoever commits the crime of distribution of abortifacients shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

History and Source of Law

Source:
Acts 1942, No. 43, § 1, Art. 88.

Reporter's Comment

Louisiana statutes covered:
Acts 1920, No. 88, §§ 1, 2 (selling or advertising of drugs or instruments for procuring abortion).
Acts 1920, No. 95, § 1 (advertising drugs preventing conception or causing abortion).

In general:
Upon the express instructions of the Council of the Institute, the two statutes cited above were combined and retained, the only modification amounting to a purely formal one, to make the form of the section consistent with the rest of the Code.

Law Review Commentaries


Notes of Decisions

1. In general

Under Act No. 88 of 1920 and Act No. 95 of 1920 the manufacture, distribution or selling of contraceptives in Louisiana was illegal. Op. Atty. Gen. 1934-36, p. 73.

Birth control in any form would fall within Acts 1920, No. 88 and No. 95 which were criminal statutes tending to prevent birth control in state. Op. Atty. Gen. 1932-34, p. 158.

4. CRIME AGAINST NATURE

§ 89. Crime against nature

Crime against nature is the unnatural carnal copulation by a human being with another of the same or opposite sex or with an animal. Emission is not necessary, and, when committed by a human being with another, the use of the genital organ of one of the offenders of whatever sex is sufficient to constitute the crime.

Whoever commits the crime against nature shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not more than five years, or both.

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SEVENTH REVISION

THE

REVISED STATUTES

OF THE

STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING EFFECT NOVEMBER 10, 1930

By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
IMMORAL LITERATURE, PICTURES, AND EXHIBITIONS.

CHAP. 135

tried and punished in any county in which the prostitution was intended to be
practiced or in which the offense was consummated, or any overt act in furthe-ance of the offense shall have been committed.

Sec. 24. Such females competent witnesses; evidence of general reputation of house admissible. R. S. c. 126, § 20. Any such female person referred to in the six preceding sections shall be a competent witness in any prosecution thereunder to testify for or against the accused as to any transaction, or as to any conversation with the accused, or by him with another person or persons in his presence, notwithstanding her having married the accused before or after the violation of any provision of said sections, whether called as a witness dur-ing the existence of the marriage or after its dissolution. In any prosecution under the six preceding sections evidence of the general reputation or common fame of a house or place shall be admissible for the purpose of proving that the house or place is one of ill fame, prostitution or assignation.

64 Me. 523; 111 Me. 306.

Sec. 25. Warrants to search for females supposed to be so enticed. R. S. c. 126, § 21. When an overseer of the poor, police officer, constable, parent, or guardian, has reason to believe that a female has been inveigled or enticed to a house of ill fame as aforesaid, he may complain on oath to a competent magis-trate who may issue his search warrants as in other cases, to enter such house by day or night, search for such female, and bring her and the person in whose keeping she is found, before him, and may order her to be delivered to the com-plainant or to be discharged, as law and justice require.

Sec. 26. Lease of tenant of house of ill fame void, at option of the landlord. R. S. c. 126, § 22. When the tenant of a dwelling-house is convicted of keeping it as a house of ill fame, the lease or contract by which he occupies it may, at the option of the landlord, be deemed void, and the landlord shall have the same remedy to recover possession as against a tenant holding over after his term expires.

See c. 26, § 2.

Immoral Literature, Pictures and Exhibitions.

Sec. 27. Making or circulating obscene books and pictures; penalty. R. S. c. 126, § 23. Whoever imports, prints, publishes, sells, or distributes any book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, or manifestly tending to the corruption of the morals of youth, or an obscene, indecent, or impure print, picture, figure, or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school, or place of education, or buys, procures, receives, or has in his possession any such book, pamphlet, ballad, printed paper, or other thing, either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into a family, school, or place of education, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and by imprisonment for not more than five years.

See c. 19, § 199.

Sec. 28. Warrants to search for such articles. R. S. c. 126, § 24. A warrant to search for such articles may be issued by any trial justice like other search warrants, and when any of them are found by the officer serving it, they shall be brought before the justice, and kept by him or the officer, to be used as evidence in any case that may arise concerning them or any person connected therewith, and on conviction of such offender, said articles shall be destroyed by order of the court trying the case.

Sec. 29. penalty. F any person, or for publishing, printing, or circulating, any obscene, indecent, impure, or filthy book, picture, or other thing, or any manual containing any matter described in the second section of this chapter, shall be punished by a fine of not less than five dollars nor more than twenty dollars.

Sec. 30. and police offenses m superior c

Sec. 31. ever public shall be pr

Sec. 32. penalty, in any of the other classes, unless otherwise provided for in any other sections.

Sec. 33. Whoever prints, sells, or distributes, on any immoral or indecent, or manifestly of not more than eleven miles.

Sec. 34. holy name, and governs the Holy Scripture, or any part thereof, nor shall any person be punished for any such offense.

Sec. 35. of discre twenty days, if, after
prisonment for not more than five years; and whoever wantonly and indecently exposes his person shall be punished by a fine of not more than twenty-five dollars and by imprisonment for not more than six months.

7 Me. 58; 112 Me. 56.

Sec. 6. Indecent liberties; penalties. R. S. c. 126, § 6. Whoever, being twenty-one years or more of age, takes any indecent liberty or liberties, or indulges in any indecent or immoral practice or practices, with the sexual parts or organs of any other person, male or female, under the age of sixteen years, either with or without the consent of such male or female person, shall, upon conviction thereof, be punished by imprisonment at hard labor, for not less than one year, nor more than ten years.

Sec. 7. Fornication; penalty. R. S. c. 126, § 7. If an unmarried man commits fornication with an unmarried woman, they shall be punished by a fine of not more than one hundred dollars, and by imprisonment for not more than sixty days.

Concealment of Births and Procuring Abortions.

Sec. 8. Concealment of the mother of the death of illegitimate issue, penalty; may be charged with murder in same indictment. R. S. c. 126, § 8. If a woman is willingly delivered in secret of the issue of her body, which would be a bastard if born alive, and conceals the death thereof, so that it is not known whether it was born dead, or alive and was murdered, she shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three years; and she may be charged with such offense, and also with the murder of such child, in the same indictment, and convicted and punished for either, according to the verdict.

37 Me. 31.

Sec. 9. Procuring or attempting to procure abortion, or miscarriage; penalties. R. S. c. 126, § 9. Whoever administers to any woman pregnant with child, whether such child is quick or not, any medicine, drug or other substance, or uses any instrument or other means, unless the same was done as necessary for the preservation of the mother's life, shall be punished, if done with intent to destroy such child and thereby it was destroyed before birth, by a fine of not more than one thousand dollars, or by imprisonment for not more than five years; but if done with intent to procure the miscarriage of such woman, by a fine of not more than one thousand dollars and by imprisonment for less than one year, and any person consenting and aiding or assisting shall be liable to like punishment.

32 Me. 574; 33 Me. 54; 916 Me. 177.

Sec. 10. Publication, sale or distribution of information tending to produce miscarriage; penalty. R. S. c. 126, § 10. Whoever publishes, sells or distributes by hand or otherwise any circular, pamphlet, or book containing recipes or prescriptions for the cure of chronic female complaints or private diseases, or recipes or prescriptions for abortion, pills, tinctures, or other compound designed to prevent conception, or tending to produce miscarriage or abortion shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, or by imprisonment for not more than three months.

Sec. 11. Publication, distribution, or display of notices or advertisements for cure of venereal diseases; exception; penalty. 1921, c. 32. It shall be unlawful for any person to publish or cause to be published, to deliver or distribute or cause to be delivered or distributed in any manner whatsoever, or to post, or display, or to permit to be posted, displayed, or to remain on any buildings, windows, or on any ground or place, or in any newspaper, periodical, or other public document, or in any public place, any notices or advertisements for the sale, exhibition, or distribution of any medicine, pill, tablet, or any other article for the cure of venereal diseases, except...
Houses of Ill Fame. Prostitution.

To occupy any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation or for any person to permit any place, structure, building, or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness, or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose;

II. To receive or to offer or agree to receive any person into any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation, or to permit any person to remain there for such purpose;

III. To direct, take or transport or to offer or agree to take or transport, any person to any place, structure or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation;

IV. To procure or solicit or to offer to procure or solicit, for the purpose of prostitution, lewdness, or assignation;
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§ 53. Contraceptives; miscellaneous information for females

Whoever publishes, sells or distributes by hand or otherwise any circular, pamphlet or book containing recipes or prescriptions for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures or other compound designed to prevent conception or tending to produce miscarriage or abortion shall be punished by a fine of not less than $50 nor more than $100, or by imprisonment for not more than 3 months.


Library references: Abortion §1; C.J.S. Abortion §§ 1 et seq., 44 et seq.