THE
PUBLIC STATUTES
OF THE
STATE OF NEW HAMPSHIRE,
TO WHICH ARE PREFIXED
THE CONSTITUTIONS
OF THE
UNITED STATES AND STATE OF NEW HAMPSHIRE
WITH A
GLOSSARY AND DIGESTED INDEX.

CONCORD, N. H.:  
EDSON C. EASTMAN.  
1891.
shall permit him to be so employed, such person shall be fined not exceeding one hundred dollars; but nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel, or school, or school exhibition, or to prevent their taking part in any concert or musical exhibition.

Sect. 4. If any person shall have in his possession a toy pistol, toy revolver, or other toy firearms, for the explosion of percussion caps or blank cartridges, with intent to sell the same, or shall sell, or offer to sell or to give away the same, he shall be fined not more than fifty dollars; and he shall be liable for all damages resulting from the use of the toy pistol, revolver, or other firearms by him sold or given away, to be recovered in an action on the case.

Sect. 5. If any person shall sell cigarettes or tobacco in any other form to a minor, he shall be fined not more than fifty dollars for each offense.

**Obscene Literature.**

Sect. 6. No person shall print or publish, or sell, lend, give, or show to any other person any obscene book, pamphlet, magazine, newspaper, print, or picture, or any printed paper devoted to the publication or illustration of stories or accounts of bloodshed, lust, or crime, or principally made up of police reports and criminal news, and no person shall circulate, display, or post any advertisement of any such literature or pictures, or cause it to be done.

Sect. 7. No person shall in any manner hire, employ, or use any minor to sell, or give away, or in any manner to distribute any such literature, picture, or advertisement.

Sect. 8. No person having the care or control of a minor child shall permit such child to sell or give away any such reading matter or any such advertisement.

Sect. 9. If any person shall violate any of the provisions of the three preceding sections, he shall be fined not more than one hundred dollars, or be imprisoned not more than six months, or both.
THE
PUBLIC STATUTES
OF THE
STATE OF NEW HAMPSHIRE,
AND
GENERAL LAWS IN FORCE JANUARY 1, 1901,
TO WHICH ARE PREFIXED
THE CONSTITUTIONS
OF THE
UNITED STATES AND STATE OF NEW HAMPSHIRE.

COMPiled AND EDITED BY
WILLIAM M. CHASE AND ARTHUR H. CHASE.

CONCORD, N. H.:
EDSON C. EASTMAN.
1900.

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speech, or encourage any such child to engage therein, or if any person having the custody or control of any such child shall permit him to be so employed, such person shall be fined not exceeding one hundred dollars; but nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel, or school, or school exhibition, or to prevent their taking part in any concert or musical exhibition.

Sect. 4. If any person shall have in his possession a toy pistol, toy revolver, or other toy firearms, for the explosion of percussion caps or blank cartridges, with intent to sell the same, or shall sell, or offer to sell or to give away the same, he shall be fined not more than fifty dollars; and he shall be liable for all damages resulting from the use of the toy pistol, revolver, or other firearms by him sold or given away, to be recovered in an action on the case.

Sect. 5. If any person shall sell cigarettes or tobacco in any form to a minor, he shall be fined not more than fifty dollars for each offense.

[1895, Ch. 7, Sect. 1. If any person other than the minor's parent or guardian shall give or deliver any cigarette, snuff, or tobacco in any of its forms, to any minor under eighteen years of age, he shall be fined not more than fifty dollars for each offense.]

**Obscene Literature**

Sect. 6. No person shall print or publish, or sell, lend, give, or show to any other person any obscene book, pamphlet, magazine, newspaper, print, or picture, or any printed paper devoted to the publication or illustration of stories or accounts of bloodshed, lust, or crime, or principally made up of police reports and criminal news, and no person shall circulate, display, or post any advertisement of any such literature or pictures, or cause it to be done.

Sect. 7. No person shall in any manner hire, employ, or use any minor to sell, or give away, or in any manner to distribute any such literature, picture, or advertisement.

Sect. 8. No person having the care or control of a minor child shall permit such child to sell or give away any such reading matter or any such advertisement.

Sect. 9. If any person shall violate any of the provisions of the three preceding sections, he shall be fined not more than one hundred dollars, or be imprisoned not more than six months, or both.
COMPiled Statutes
of
New Jersey

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Soney & Sage
1911

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plight would have to prove fraud of defendant in having procured his arrest upon a charge which he knew to be baseless, to entitle him to the relief prayed for. Ingle v. Ingle, 69 A. 953.

The proviso of P. L. 1876, p. 65, § 2, supra, is not affected by this act, that if the party offending marry the female he shall be discharged from custody, etc., was held not to repeal section 4 of the act concerning marriages, births, etc. (Rev. p. 631), which imposes fines upon every person who solemnizes the marriage of minors without the consent of parents or guardians. Craft v. Jabbett, 67 L. 289.

Reputation of female.—The law is the reputation of the prosecutrix, and her character as a matter of fact is immaterial. Foley v. State, 59 L. 1, 33 A. 105.

Indictment for causing pregnancy is not insufficient because it states more than one occasion upon which illicit intercourse occurred, and omits to state any certain time and place. Price v. State, 61 L. 506, 33 A. 709.

Evidence.—The good repute of the female must be proved affirmatively by the state; if it will not be presumed. Zabriskie v. State, 51 L. 384.

Where the state proves the defendant single some months prior to the seduction, it is presumed, in the absence of contrary evidence, that he remained single. State v. Sittary, 74 L. 241, 65 A. 865.

Evidence that the procuring witness had other men than defendant stay all night with her should be excluded. State v. Sittary, 74 L. 241, 65 A. 865.

Corroboration of female.—Under this section the evidence in corroboration of that of the female prosecutrix to establish the essential elements of the offense under such section is required to be of such a character as to clearly turn the scale, and overcome the denial of the defendant, under oath, of the promise of marriage and consequent seduction. State v. Brown, 64 L. 414, 45 A. 989.

Evidence of the admission of, and acquiescence of the defendant in, the truth of the charge, his conduct and promises are evidential as corroboration of proof of the fact of such admission, acquiescence, conduct and promises do not take place until after the time of the alleged promise to marry, and seduction and pregnancy. The conversations of other witnesses with each other, and with the prosecutrix and defendant, and pertaining to the elements of the offense, are admissible in evidence as corroboration proof, if at the time of such conversations the prosecutrix, the defendant and witnesses were present, in the hearing of each other, and taking part in such conversations. State v. Brown, 64 L. 414, 45 A. 989.

This corroboration evidence is properly and admissible on the part of the state in making proof against defendant of the commission of the offense, as the state can presume, under a plea of not guilty, that the defendant will deny the elements of fact necessary to be established in order to convict. This evidence must be introduced as a part of the case of the state, and is not rebutted in his character. State v. Brown, 64 L. 414, 45 A. 989.

51. Lewdness or indecency.—Any person who shall be guilty of open lewdness, or any notorious act of public indecency, grossly scandalous and tending to debauch the morals and manners of the people, or any person who shall in private be guilty of any act of lewdness or carnal indecency with another, grossly scandalous and tending to debauch the morals and manners of the people, shall be guilty of a misdemeanor. (P. L. 1898, p. 808, as amended P. L. 1893, p. 101.)

Lewdness.—The crime is committed if a person intentionally makes such exposure in the view from the windows of two neighboring dwelling-houses. Van Houten v. State, 69 L. 16. Not necessary that any person should actually see such exposure, if it was made in a public place with intent that it should be seen, and persons were there who would have seen if they had looked. 12, G, M. J. Law 211.

The essence of the offense is that it presents itself in such a way that it becomes an offense to good morals and good manners; and that it tends to corrupt or offend the morality, and a man and woman who live together as husband and wife under an honest belief that they are legally married do not violate this statute. Schoueld v. State, 67 L. 292, 50 A. 533.

52. Bigamy; punishment; exceptions.—Any person who, having a husband or wife living, marries another person, shall be guilty of bigamy, and punished by fine not exceeding one thousand dollars, or imprisonment at hard labor not exceeding ten years, or both; but nothing in this section contained shall extend to any person whose husband or wife shall be continually remaining without the United States of America for the space of five years together, or whose husband or wife shall absent himself or herself, the one from the other, for the space of five years together, in any part of this state or the United States, the one of them not knowing the other to be living within that time; nor to any person who is or shall be, at the time of such marriage, divorced, by the judgment or decree of any authority or court having cognizance thereof; nor to any person where the former marriage hath been, or shall be, by the judgment or decree of any such authority or court, declared to be void and of no effect. (P. L. 1898, p. 808.)

In general.—This is not a felony. State v. Warden, 73 L. 693, 55 A. 977.

This section does not legalize a second marriage or its issue if the former spouse be found later on to be married, birth certificate relies on the innocent party, as an exception to P. L. 1898, p. 439, § 1 (post, under the chapter Marriages). Spillor v. Spillor, 72 L. 58, 44 A. 95.

53. Obscene or indecent publications; sale, etc., of instruments, etc., designed to prevent conception or procure abortion.—Any person who,
without just cause, shall utter or expose to the view of another, or have in his possession, with intent so to utter or expose to view, or to sell the same, any obscene or indecent book, pamphlet, picture, or other representation, however made; or any instrument, medicine, or other thing, designed or purporting to be designed for the prevention of conception, or the procuring of abortion, or who shall in any wise advertise, or aid, or assist in advertising the same, or in any manner, whether by recommendation against its use or otherwise, give or cause to be given, or aid in giving any information how or where any of the same may be had or seen, bought or sold, shall be guilty of a misdemeanor.

(P. L. 1898, p. 808.)

Exposing indecent pictures.—Evidence of either uttering or of exposing to the view of another of indecent pictures will support a general verdict of guilty upon such a count. State v. Hill, 72 L. T. 77, 52 A. 396.

Where it appears that the defendant took a person into a room, in which there was a book containing indecent pictures, and pointing to the book, said, "There they are," wherein the person opened the book and inspected the pictures, held, that the evidence was sufficient to support the charge of exposing the pictures to the view of another, and that the evidence did not support the charge of uttering the pictures. State v. Hill, 72 L. T. 77, 52 A. 396.

Indictment.—A defendant can be charged in the same count of an indictment with uttering and also with exposure to the view of another of an indecent picture, in violation of this section. State v. Hill, 72 L. T. 77, 52 A. 396.

54. Sending indecent communications to female.—Any person who shall willfully and wantonly send or convey to any female, against her will and consent, any insulting, indecent, lascivious or disgusting letter or communication, without lawful purpose in sending or conveying the same, shall be guilty of a misdemeanor.

(P. L. 1898, p. 808.)

Indictment.—An indictment which does not allege that the indecent communication was sent "without lawful purpose" will be quashed. State v. Smith, 65 L. 691.

The description in an indictment of the offensive writing, which was sent by mail, Induced H. A. 709, 65 Am. St. Rep. 699. The statute makes the offense indictable only when the communication is sent to a female against her consent. 16.

55. Exposing to view body of one who has suffered death penalty; exception.—It shall be unlawful to expose to public view the body of any person who shall have suffered the death penalty, either in this state or in any part of the United States, for the crime of murder, after such body shall have been delivered from the custody of the sherif, and it shall be unlawful to have other than a private funeral in connection with the burial of the body of any such offender; any person offending against the provisions of this section shall be guilty of a misdemeanor; provided, nothing in this act contained shall prevent relatives within the first or second degrees and the clergyman officiating from being present and viewing the body. (P. L. 1898, p. 809.)

56. Apprenticing minors for mendicant or immoral purposes; commitment of minor to state reform school or state industrial school.—Any person who, whether as parent, relative, guardian, employer, or otherwise, having in his or her custody or control, lawfully or unlawfully, any minor child under the age of eighteen years, who shall sell, apprentice, give way, let out, employ, hire or otherwise dispose of such minor or minors for the purpose of begging, singing and playing on a musical instrument, ropewalking, dancing, or for any mendicant or wandering business whatsoever, or in any immoral conduct or occupation in the streets, roads and other highways or public places of this state, and any person who shall take, receive, hire, employ, use or have in custody any such minor or minors, under the age of eighteen years, and use or employ him, her or them in any such purpose, or any of them, for any mendicant or immoral business whatsoever, either in public or private places within this state, shall be guilty of a misdemeanor, and punished accordingly; and if, upon such conviction, the minor or minors shall have no home or means of support and no one to take proper care of him, her or them, the court may, in its discretion, if it shall appear a humane and proper thing to do, commit such minor or minors to the state reform school for boys, or the state industrial school for girls, until said minor or minors attain the age of...
REVISED STATUTES
OF
NEW JERSEY
1937
EFFECTIVE
DECEMBER 20, 1937
(IN FOUR VOLUMES)
Vol. I

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For the Benefit of the State of New Jersey
Chapter 105. ABORTION.

Section 2:105-1. Caus ing miscarriage; increased penalty if death results.
2:105-2. Persons committing abortion compell ed to testify; testimony not used against them.

2:105-1. Caus ing miscarriage; increased penalty if death results. Any person who, maliciously or without lawful justification, with intent to cause or procure the miscarriage of a woman then pregnant with child, shall:

a. Administer to her, prescribe for her, or advise or direct her to take or swallow any poison, drug, medicine or noxious thing; or
b. Use any instrument or means whatever—

Shall be guilty of a high misdemeanor.

If as a consequence thereof, the woman or child shall die, the person committing the offense shall be punished by a fine not exceeding five thousand dollars, or by imprisonment at hard labor not exceeding fifteen years, or both.


2:105-2. Persons committing abortion compelled to testify; testimony not used against them. Any person who shall cause or attempt to cause the miscarriage of a pregnant woman shall be a competent witness, and may be compelled to testify against any other person charged with so offending, but the testimony of such person given in any such case shall not be used in any prosecution, civil or criminal, against the person so testifying.


2:105-3. Uttering or exposing to view instruments, medicines, etc., to prevent conception or procure abortion. Any person who, without just cause, shall utter or expose to the view of another, or have in his possession with intent to utter or expose to the view of another, or to sell the same, any instrument, medicine or other thing, designed or purporting to be designed for the prevention of conception or the procuring of abortion, or who shall in any way advertise or aid in advertising the same, or in any manner, whether by recommendation against its use or otherwise, give or cause to be given, or aid in giving any information how or where any such instrument, medicine or other thing may be had, seen, bought or sold, shall be guilty of a misdemeanor.


Chapter 106. ADULTERY.

Section 2:106-1. Adultery; punishment.

2:106-1. Adultery; punishment. Any person who shall commit adultery shall be guilty of a misdemeanor.

Source. L. 1868, c. 235, §147, p. 807 [C. S. p. 1760, §147].

Chapter 107. ADVERTISING.

Section 2:107-1. Untrue and misleading advertisements.

2:107-1. Untrue and misleading advertisements. Any person who, with intent to sell or otherwise dispose of merchandise, securities, service or anything offered by such person, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto, or an interest therein, shall make, publish, disseminate, circulate or place before the public, any cause, directly or indirectly to be made, published, disseminated, circulated or placed before the public, shall be guilty of a misdemeanor

of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor, and punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail for a period not exceeding one year, or both.


2:107-2. Unauthorized placing of circulars or advertisements in newspapers or periodicals. Any person who places upon, affixes to, or places in or causes to be placed upon, affixed to, or placed in a newspaper, magazine, periodical or book, any notice, circular, pamphlet, card, handbill, printed book or notice of any kind without the consent of the owner or publisher of such newspaper, magazine, periodical or book, shall be guilty of a misdemeanor.

dollars, or imprisonment at hard labor not exceeding fifteen years, or both.

Source. L. 1908, c. 45, §1, p. 63 [C. S. p. 1762, 1111a],
suppl. to L. 1896, c. 235, p. 794.

2:138–9. Killing by driving vehicle carelessly and heedlessly; judgment or conviction not evidence in action for damages. Any person who shall cause the death of another by driving any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be guilty of a misdemeanor; but it shall be unlawful to use or offer in evidence the record of any judgment or conviction obtained hereunder in any civil action brought to recover damages arising out of the accident in which such death occurred.


Chapter 139. INCEST.

Section
2:139–1. Incest. Persons who shall intermarry within the degrees prohibited by law, or who, being related within such degrees, shall together commit fornication or adultery, shall be guilty of incest, and punished by fine not exceeding one thousand dollars, or imprisonment at hard labor not exceeding five years, or both.


2:139–2. Incestuous conduct between parent and child. Every parent who shall be guilty of incest, fornication, adultery or open lewdness with, or any act of indecency towards, or tending to debauch the morals and manners of any child or children of such parent, or who shall make any infamous proposal to any child or children of his own flesh and blood, with intent to commit adultery or fornication with such child, shall be guilty of a high misdemeanor, and punished by fine not exceeding one thousand dollars, or imprisonment at hard labor not exceeding fifteen years, or both.


Chapter 140. INDECENCY AND OBSCENITY.

Section
2:140–1. Lewdness or indecency. Any person who shall be guilty of open lewdness, or any notorious act of public indecency, grossly scandalous and tending to debauch the morals and manners of the people, or who shall in private be guilty of any act of lewdness or carnal indecency with another, grossly scandalous and tending to debauch the morals and manners of the people, shall be guilty of a misdemeanor.

Source. L. 1896, c. 235, §51, p. 808, as am. by L. 1906,
c. 71, §1, p. 101 [C. S. p. 1765, 51].

2:140–2. Uttering or exposing obscene literature or pictures. Any person who, without just cause, shall utter or expose to the view of another, or have in his possession with intent to utter or expose to the view of another, or to sell the same, any obscene or indecent book, pamphlet, picture or other representation, however made, or who shall in any way advertise, or aid in advertising the same, or shall in any manner, whether by recommendation against its use or otherwise, give or cause to be given, or aid in giving any information how or where of any of the same may be had, seen, bought or sold, shall be guilty of a misdemeanor.


2:140–3. Causing indecencies in publication. Any person who shall maliciously set or cause to be set in type to be used in the printing of a newspaper, magazine or other current publication, or change or cause to be changed any piece of type in any form from which a newspaper, magazine or other publication is to be printed, for the purpose of causing to appear in print in any such publication, any indecent or lascivious word, shall be guilty of a misdemeanor.

Source. L. 1911, c. 85, §1, p. 116 [1824 Suppl. §52–53a],
suppl. to L. 1896, c. 235, p. 794.

2:140–4. Indecent communications to female. Any person who, without lawful purpose, shall willfully and wantonly send or convey to any female, against her will and consent, an insulting, indecent, lascivious or disgusting letter or communication, shall be guilty of a misdemeanor.


2:140–5. Exposing to view body of one who has suffered death penalty; exceptions. Any person who shall expose to public view the body of any person who shall have suffered the death penalty, either in this state or in any part of the United States, for the crime of murder, after such body shall have been delivered from the custody of the sheriff, or who shall hold or cause to be held a public funeral in connection with the burial of the body of any such offender, shall be guilty of a misdemeanor.

Nothing contained in this section shall prevent relatives within the first or second degree and the clergymen officiating from being present and viewing the body.


[Title 2, p. 456]
NEW JERSEY STATUTES
ANNOTATED

PERMANENT EDITION

Title 2A
Administration of Civil and Criminal Justice
2A: 152-1 to 2A: End

with
Index to Title 2A

Kept to Date by Cumulative Annual Pocket Parts

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DISORDERLY PERSONS GENERALLY 2A:170-76

2A:170-73. Purchase or sale of goods "not to be sold"

Any person who purchases, sells, disposes of or traffics in any property, goods or chattels which contain the words "not to be sold", a description of which is filed and registered, according to law, in the offices of the county clerks of this state, without the consent of the owner or owners thereof, is a disorderly person.

Historical Note

Source:
R.S. 2:140-4.

2A:170-74. Sale or use of inflammable paper balloons

Any person who sells, stores or uses any paper balloon containing paraffine or other combustible material, is a disorderly person.

Historical Note

Source:
L.1915, c. 306, §§ 1, 2, p. 555 [1924 Suppl. §§ 15-1, 15-2].

2A:170-75. Soliciting sale of funeral wreaths, etc.

Any person who, for pecuniary gain, solicits any person in the house of a family in which death has recently occurred, for the purpose of selling or obtaining orders for funeral wreaths, flowers or like merchandise, is a disorderly person.

Historical Note

Source:
L.1953, c. 149, § 1, p. 376, suppl. to L.1898, c. 239, p. 942.

2A:170-76. Uttering or exposing to view instruments, medicines, etc., to prevent conception or procure abortion

Any person who, without just cause, utters or exposes to the view of another, or possesses with intent to utter or expose to the view of another, or to sell the same, any instrument, medicine or other thing, designed or purporting to be designed for the prevention of conception or the procuring of abortion, or who in any way advertises or aids in advertising the same, or in any manner, whether by recommendation for or against its use or otherwise, gives or causes to be given, or aids in giving any in-
DISORDERLY PERSONS

formation how or where any such instrument, medicine or other thing may be had, seen, bought or sold, is a disorderly person.

Historical Note

Source:
R.S. 2:105-3.

2A:170-77. Unauthorized placing of circulars or advertisements in newspapers or periodicals

Any person who places upon, affixes to or places in, or causes to be placed upon, affixed to or placed in a newspaper, magazine, periodical or book, any notice, circular, pamphlet, card, handbill, printed book or notice of any kind without the consent of the owner or publisher of such newspaper, magazine, periodical or book, is a disorderly person.

Historical Note

Source:

2A:170-77.1 Sale, offering for sale or possession of hypodermic needle for narcotic drugs

Any person, except a physician, dentist, chiropodist, veterinarian, nurse, pharmacist, dealer in surgical instruments, or an attendant or interne of a hospital, sanatorium or institution in which persons are treated for disability or disease, who shall at any time sell, offer for sale, have or possess a hypodermic syringe or needle or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections and which is sold, offered for sale or possessed for that purpose, unless such sale, offering for sale or possession be authorized by the certificate of a physician issued within the period of one year prior thereto, is a disorderly person. L.1952, c. 209, p. 734, § 1.

Historical Note

Title of Act:
An Act regulating the sale, offering for sale, having and possession of hypodermic syringes or needles or instruments or implements adapted for the use of cocaine and narcotic drugs by subcutaneous injections in certain cases, and supplementing chapter one hundred seventy of Title 2A of the New Jersey Statutes. L.1952, c. 209, p. 734.
PUBLIC PROPERTY.—Any Public Officer in possession of this book will deliver it to his successor.

1884.

ACTS
— OF THE —

LEGISLATIVE ASSEMBLY,
— OF THE —

TERRITORY OF NEW MEXICO,

TWENTY-SIXTH SESSION.

Convened at the Capital, at the City of Santa Fe, on Monday, the 16th Day of February, 1884, and adjourned on Thursday, the 3d Day of April, 1884.

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MUNICIPAL CORPORATIONS—CHAPTER XXXIX

guards at crossings of streets and public roads, and keep the same in repair within the limits of the corporation.

XX.—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads.

XXI.—To compel street railroads to raise or lower their railroad tracks to conform to any grade which may at any time be established by such city or town, and when such tracks run lengthwise of any street, alley, or highway, to keep their tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley, or highway.

Eighth.—To compel and require railroad companies to make and keep open, and to keep in repair ditches, drains, sewers, and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right-of-way, and so that the natural drainage of adjacent property shall not be impeded.

Ninth.—To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof.

Tenth.—To construct and keep in repair culverts, drains, sewers, and cess-pools, and to regulate the use thereof.

Eleventh.—To deepen, widen, dock-cover, wall, alter, or change the channel of water courses.

Twelfth.—To provide for the cleansing and purification of waters, water courses, and canals, and the draining or filling of ponds on private property whenever necessary to prevent or abate nuisances.

Thirteenth.—To license, tax, regulate, suppress, and prohibit hucksters, peddlers, pawnbrokers, keepers of ordinaries, theatrical, and other exhibitions, shows, and amusements, and to revoke such license at pleasure.

Fourteenth.—To license, tax, and regulate hackmen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe the compensation.

Fifteenth.—To license, regulate, tax, and restrain runners for stages, cars, public houses, or other things or persons.

Sixteenth.—To license, regulate, tax, or prohibit and suppress billiard, bagatelle, pigeon-hole, or any other tables or implements kept or used for a similar purpose in any place or public resort, and pin and ball alleys.

Seventeenth.—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city.
or town, or within three miles beyond, except where the boundaries of two cities or towns adjoin the outer boundaries of the city or town; and also to suppress gaming and gambling houses, lotteries, and fraudulent devices and practices, for the purpose of gaining or obtaining money or property, and to prohibit the sale or exhibiting of obscene or immoral publications, prints, pictures, or illustrations.

Eighteenth.—To have the right to license, regulate, or prohibit the selling or giving away of any intoxicating, malt, vinous, mixed, or fermented liquor, within the limits of the city or town, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license; Provided, that the city council in cities, or board of trustees in towns, may grant permits to druggists for the sale of liquor for medicinal, mechanical, sacramental, and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance; Provided further, that in granting licenses, such corporate authorities shall comply with whatever general law of the State may be in force relative to the granting of license.

Nineteenth.—And the city council in cities, and board of trustees in towns, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed, or fermented liquor, to any minor, or apprentice, insane, idiotic, or distracted person, habitual drunkard, or person intoxicated.

Twentieth.—To establish markets and market houses, and provide for the regulation and use thereof.

Twenty-first.—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Twenty-second.—To regulate the sale of bread in the city or town, prescribe the weight and quality of the bread in the loaf.

Twenty-third.—To provide and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal, and other provisions.

Twenty-fourth.—To regulate the inspection, weighing, and measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise.

Twenty-fifth.—To provide for the inspection and sealing of weights and measures.
NEW MEXICO STATUTES

1941

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Chief Justice
Charles R Brice

Clerk of the Supreme Court
Herbert Gerhart

Attorney General
Edward P Chase

In Six Volumes
VOLUME ONE

Indianapolis
The Bobbs-Merrill Company Publishers
Opinions of Attorney-General. This section does not authorize cities to impose license tax upon insurance agents. 1915-16, p. 302.

NOTES TO DECISIONS

Powers Granted.

In view of the powers granted to cities and towns under the second paragraph of this section, § 14-2201, and Laws 1923, ch. 96, § 8 (superseded), cities and towns may, under their police power, license and regulate the occupation of dray, transfer, taxicab, and storage warehouses. Daniel v. Clovis, 34 N. M. 239, 250 Pac. 296.

Collateral References.


Automatic vending machines, regulation as to sale of cigarettes by. 111 A. L. R. 756.

Barber shops, regulating hours of closing. 98 A. L. R. 1093.

Building or construction contractors, validity, construction, and application of regulations as to business of. 118 A. L. R. 876.

Crematories, municipal regulation of. 113 A. L. R. 1132.


14-1812. Gambling—Fraudulent devices—Obscene publications.—To suppress gaming and gambling-houses, lotteries, and fraudulent devices and practices, for the purpose of gaining or obtaining money or property, and to prohibit the sale or exhibiting of obscene or immoral publications, prints, pictures, or illustrations. [Laws 1884, ch. 14 (17); C. L. 1884, § 1622 (17); C. L. 1897, § 2402 (17); Code 1915, § 3564 (17); C. S. 1929, § 39-402 (17).]

Compiler's Note.

As originally enacted, the section contained a first part which read: "To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city or town, or within three [3] miles beyond, except where the boundaries of two [2] cities or towns adjoin the outer boundaries of the city or town; and also." This was omitted in the 1915 Code as superseded by § 41-3407.

14-1813. Intoxicating liquors—Licensing, regulating, or prohibiting sales or gifts—Permits—Compliance with general laws—Discrimination—Minors—Lunatics—Drunkards.—To have the right to license, regulate, or prohibit the selling or giving away of [of] any intoxicating, malt, vinous, mixed, or fermented liquor, within the limits of the city or town, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: Provided, that the city council in cities, or board of trustees in towns, may grant permits to druggists for the sale of liquor for medicinal, mechanical, to forfeit, and provided by ordinance, such corporate authority the territory (state) provided, further, that in exercising its right or giving away of an the power to discriminate engaged in the same other, nor to discriminate favor of one as against district in such city; council or board of sale of liquors on or the time of applicative consent of the owner of a block in which such application is not paid or written consent of the square or other license shall be given, or square of any character or other residence established by this act shall not the association know And the city council also have the power of any intoxicating, minor or apprentice or drunkard or person C. L. 1884, § 1622 (1) ch. 59, § 1; Code 191 C. S. 1929, § 90-402 (1)

Compiler's Notes.

This section, in so far the power to license and is superseded by §§ 61-100, particularly, §§ 61-401, describe the powers of local option districts to like. The bracketed words were inserted by the com

Druggists—Bond.

A city may require a bond as security that law in dispensing liquors. Jacoby, 21 N. M. 702, 1
THE
CONSOLIDATED LAWS
of the
STATE OF NEW YORK

Prepared pursuant to Laws 1904 Chapter 664 by the
Board of Statutory Consolidation

passed at the
ONE HUNDRED AND THIRTY-SECOND SESSION OF THE LEGIS-
LATURE BEGIN JANUARY 6, 1909, AND ENDED APRIL
30, 1909, IN THE CITY OF ALBANY AS AMENDED
BY THE LEGISLATURE OF 1909

together with
THE PUBLIC SERVICE COMMISSIONS LAW
AND THE RAILROAD LAW

Published by the State under the supervision of the Board
pursuant to Laws 1909 Chapter 458

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Vol. IV

ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1909
capacity prepares, advertises, gives, presents 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 any such drama, play, exhibition, show or entertainment, knowingly, or who ascertains to the use of the same for any such purpose, shall be guilty of a misdemeanor. (Added by L. 1909, ch. 279, in effect September 1, 1909.)

§ 1141. Obscene prints and articles. 1. A person 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, giving information, directly or indirectly, stating, or purporting so to do, where, how, of whom, or by what means any, or what purports 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 or who has in his possession, any slot machine or other mechanical contrivance with moving pictures of nude or partly denuded female figures which pictures are lewd, obscene, indecent or immoral, or other lewd, obscene, indecent or immoral drawing, image, article or object, or who shows, advertises or exhibits the same, or causes the same to be shown, advertised, or exhibited, or who buys, owns or holds any such machine with the intent to show, advertise or in any manner exhibit the same; or who,

2. 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; or who,

3. In any manner, hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, or any of them,

Is guilty of a misdemeanor, and, upon conviction, shall be sentenced to not less than ten days nor more than one year imprisonment or be fined not less than fifty dollars nor more than one thousand dollars or both fine and imprisonment for each offense.

§ 1141-a. Indecent posters.* Any person who shall expose, place, display, post up, exhibit or paint, print or mark, or cause to be exposed, placed, displayed, posted, exhibited or painted, printed or marked in or on any building, structure, billboard, wall or fence, or on the street, or in or upon any public place, any placard, poster, bill or picture, or shall knowingly permit the same to be displayed on property belonging to or controlled by him, which placard, poster, bill or picture shall tend to demoralize the morals of youth or others or which shall be lewd, indecent, or immoral, shall be guilty of a misdemeanor. (Added by L. 1909, ch. 380, in effect September 1, 1909.)

§ 1142. Indecent articles. A person who sells, lends, gives away, or in any manner exhibits or offers to sell, lend or give away, or has in his possession with intent to sell, lend or give away, or advertises, or offers for sale, loan or distribution, any instrument or article, or any recipe, drug or medicine for the prevention of conception, or for causing unlawful abortion, or purporting to be for the prevention of conception, or for causing unlawful abortion, or advertises, or holds out representations that it can be so used or applied, or any such description as will be calculated to lead another to so use or apply any such article, recipe, drug, medicine or instrument, or who writes or prints, or causes to be written or printed, a card, circular, pamphlet, advertisement or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such an instrument, article, recipe, drug or medicine can be purchased or obtained, or who manufactures any such instrument, article, recipe, drug or medicine, is guilty of a misdemeanor, and shall be liable to the same penalties as provided in section eleven hundred and forty-one of this chapter.

* Title of section inserted by editors.
§ 1143. Mailing or carrying obscene prints and articles. A person who depots, or causes to be deposited, in any post-office within the state, or places in charge of an express company, or of a common carrier, or other person, for transportation, any of the articles or things specified in the last two sections, or any circular, book, pamphlet, advertisement, or notice relating thereto, with the intent of having the same conveyed by mail or express, or in any other manner, or who knowingly or wilfully receives the same, with intent to carry or convey, or knowingly or wilfully carries or conveys the same, by express, or in any other manner except in the United States mail, is guilty of a misdemeanor.

§ 1144. Warrant to sheriff to search. A magistrate having jurisdiction to issue warrants in criminal cases, upon complaint that any person within his jurisdiction is offending against the provisions of this article, supported by oath or affirmation, must issue a warrant, directed to the sheriff or to any constable, marshal, or police officer within the county, directing him to search for, seize, and take possession of any of the articles specified in this article, in the possession of the person against whom complaint is made. The magistrate must immediately transmit every article seized by virtue of the warrant, to the district attorney of the county, who must, upon the conviction of the person from whose possession the same was taken, cause it to be destroyed, and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

§ 1145. Physicians' instruments. An article or instrument, used or applied by physicians lawfully practicing, or by their direction or prescription, for the cure or prevention of disease, is not an article of indecent or immoral nature or use, within this article. The supplying of such articles to such physicians or by their direction or prescription, is not an offense under this article.

§ 1146. Keeping disorderly houses. A person who keeps a house of ill-fame or assigment of any description, or a house or place for persons to visit for unlawful sexual intercourse, or for any lewd, obscene or indecent purpose, or disorderly house, or a house commonly known as a stale beer dive, or any place of public resort by which the peace, comfort, or decency of a neighborhood is habitually disturbed, or who requests, advises or procures any female to become an inmate of any such house or place, or who as agent or owner, lets a building or any portion of a building, knowing that it is intended to be used for any purpose specified in this section, or who permits a building
or a portion of a building to be so used, is guilty of a misdemeanor. This section shall be construed to apply to any part or parts of a house used for any of the purposes herein specified.

§ 1147. Who may arrest persons violating provisions of this article. Any agent of the New York society for the suppression of vice, upon being designated thereto by the sheriff of any county in this state, may within such county make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of any law for the suppression of the trade in, and circulation of obscene literature and illustrations, advertisements and articles of indecent and immoral use, as it is or may be forbidden by the laws of this state, or of the United States.

ARTICLE 108

Indians

Section 1160. Trespasses on Indian land.
1161. Trespasses on Onondaga reservation.

§ 1160. Trespasses on Indian land. A person who cuts, removes, causes to be removed or aids or assists in removing from the Allegany, Cattaraugus, Tonawanda or Onondaga reservations any wood, trees, timber, bark or poles, except as authorized by law, is guilty of a misdemeanor.

§ 1161. Trespasses on Onondaga reservation. A person, other than an Onondaga Indian, who cuts or removes from the Onondaga reservation any tree, timber, wood, bark or poles; or an Indian who cuts for the purpose of sale or removal from such reservation, or who removes, causes to be removed or aids in the removal from such reservation of any tree, timber, wood, bark or poles, except on the written permission of a majority of the chiefs of the Onondaga tribe, particularly specifying the quantity and kind of trees, timber, wood, bark or poles to be cut or removed, is guilty of a misdemeanor.

ARTICLE 110

Insolvency

Section 1170. Fraudulent conveyances of property.
1171. Fraudulent removal of property to prevent levy.
1172. Knowingly receiving property removed to defraud creditors.
1173. Concealment of effects of insolvent debtor.
LAWS
OF THE
STATE OF NEW YORK,
PASSED AT THE
ONE HUNDRED AND FORTIETH SESSION
OF THE
LEGISLATURE,
BEGUN JANUARY THIRD, 1917, AND ENDED MAY TENTH, 1917,
ALSO CHAPTERS 810-821, PASSED AT THE EXTRAORDINARY SESSION, BEGUN JULY 31, 1917, AND ENDED OCTOBER 2, 1917,
AT THE CITY OF ALBANY,
AND ALSO OTHER MATTERS REQUIRED BY LAW TO BE PUBLISHED WITH THE SESSION LAWS.

VOL. II.

ALBANY
J. B. LYON COMPANY, STATE PrintERS
1917
§ 91. Section two hundred and seventy-five of such chapter is hereby amended to read as follows:

§ 275. Prohibited; use of nets in certain waters; exception.

In waters inhabited by trout the use of nets of any kind is prohibited; except that the use of minnow traps in taking minnows for bait for the taker's individual use may be permitted by the commission. This prohibition shall not apply to landing nets used to land fish duly hooked by angling or to the use of nets by the commission as provided in section one hundred and fifty-five of this chapter.

§ 22. Subdivision four of section three hundred and seventy-two of such chapter is hereby amended to read as follows:

4. Transportation. Common carriers may receive and transport at any time carcasses, or parts thereof, of elk, deer, pheasants, or ducks tagged as aforesaid, but to every package containing such carcasses, or parts thereof, shall be affixed a tag or label, upon which shall be plainly printed or written the name of the person to whom such license was issued and by whom such elk, deer, pheasants or ducks were killed, the name or names of the person or persons to whom such elk, deer, pheasants or ducks are to be transported; the name of the game protector or other person by whom such elk, deer, pheasants or ducks were tagged; the number of carcasses or portions thereof contained therein, and that the elk, deer, pheasants or ducks were killed and tagged in accordance with the provisions of this section.

§ 23. This act shall take effect immediately.

Chap. 487.

AN ACT to amend the penal law, in relation to advertisements concerning certain diseases.

Become a law May 15, 1817, with the approval of the Governor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is hereby amended by adding thereto, after section eleven hundred and forty-two, a new section to be section eleven hundred and forty-two-f, to read as follows:

AN ACT to amend the penal law, in relation to advertisements concerning certain diseases.

Become a law May 15, 1817, with the approval of the Governor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is hereby amended by adding thereto, after section eleven hundred and forty-two, a new section to be section eleven hundred and forty-two-f, to read as follows:

§ 372 was added by L. 1912, ch. 218, and amended by L. 1913, ch. 508.
such chapter is

ers; exception.
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mitted by the
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as follows:
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§ 1142-a. Advertisements relating to certain diseases prohibited. Whoever publishes, delivers or distributes or causes to be published, delivered or distributed in any manner whatsoever an advertisement concerning a venereal disease, lost manhood, lost vitality, impotency, sexual weakness, seminal emissions, varicocele, self-abuse or excessive sexual indulgence and calling attention to a medicine, article or preparation that may be used therefor or to a person or persons from whom or an office or place at which information, treatment or advice relating to such disease, infirmity, habit or condition may be obtained, is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than six months, or by a fine of not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment. This section, however, shall not apply to didactic or scientific treatises which do not advertise or call attention to any person or persons from whom or any office or place at which information, treatment or advice may be obtained, nor shall it apply to advertisements or notices issued by an incorporated hospital or a licensed dispensary or by a municipal board or department of health or by the department of health of the state of New York.

§ 2. This act shall take effect September first, nineteen hundred and seventeen.

Chap. 488.

ACT to amend the tax law, in relation to certificate of special franchise valuations filed with localities.

Became a law May 15, 1917, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-five-a of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," as added by chapter three hundred and thirty-four of the laws of nineteen hundred and sixteen, is hereby amended to read as follows:

§ 45-a. Certificate of special franchise valuations filed with localities. After determining the final full and equalized valu-
CAHILL'S
CONSOLIDATED LAWS
OF
NEW YORK

BEING THE CONSOLIDATED LAWS OF 1909,
AS AMENDED TO JULY 1, 1923

COMPiled AND EDITED BY
JAMES C. CAHILL

Editor of Cahill's Illinois Revised Statutes, Cahill's Michigan Statute
Supplement, Callaghan's Illinois Statutes Annotated, etc.

CHICAGO
CALLAGHAN AND COMPANY
1923

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ARTICLE 104. 
INCOMPETENT PERSONS.
§ 1120. Irresponsibility of idiot or lunatic. A warrant to
each other, each of them is punishable by imprison-
ment for not more than ten years.

ARTICLE 105. 
Obscene and indecent. 
§ 1140. Exposure of person. A person who wil-
fully and lewdly exposes his person, or the private 
parts thereof, in any public place, or in any place
where others are present, or procures and al-
1

deceit, honesty or insanity go as to be incapable of
understanding the proceeding or making his de-

defence.
3. Not to know that the act was wrong.

§ 1121. Unlawful confinement of idiots, lunatics and
insane persons. A person who confines an
idiot, lunatic or insane person, in any other man-
er in any other place than as authorized by
law, and a person guilty of, or by any means
wrongfully or unlawfully confined, is guilty of
a misdemeanor.

§ 1122. Maintaining private insane asylums. A person
who conducts or maintains a private insane
asylum, or institution for the care or treatment
of persons of unsound mind, without a license
issued and granted to such person according to
law, is guilty of a misdemeanor.

§ 1123. Injuring life or health of incompetent persons.
A person who:
1. Wilfully causes or permits the death or limb of
any person, who is, from any cause, incompetent
to care for himself, to be endangered or his health
to be injured, or
2. Wilfully causes or permits the death or limb of
any person, who is, from any cause, incompetent
to care for himself, is guilty of a misdemeanor. (Added by L. 1931, ch. 427, September 1.)

ARTICLE 106. 
INDEN.CENT. 
§ 1140-a. Objectionable prints and articles. 
§ 1141. Obscene prints and articles. 
§ 1141-a. [Indecent posters.] 
§ 1142. Indecent articles. 
§ 1142-a. Advertisements relating to certain dis-
eases prohibited. 
§ 1143. Mailing or carrying obscene prints and
articles. 
§ 1144. Warrant to sheriff to search. 
§ 1145. Physicians' instruments. 
§ 1146. [Keeping disorderly houses.] 
§ 1147. Who may arrest persons violating provi-
sions of this article. 
§ 1148. Male person living on proceeds of pros-
titution.

§ 1140-a. [Indecent posters.] Any person

who shall place, display, poster up, exhibit,
paint, print or mark, or cause to be placed,
displayed, posted, exhibited or in any other

manner printed or marked in any manner

in any wall or tenement, or in any public
place, or in any place accessible to the pub-
lic, any sign, note, paper, print, poster or

advertisement for or in connection with any

such show or entertainment, shall be guilty of

a misdemeanor.
Pennal Law

Chap. 41. § 1144

Physicians' Instruments. An article or instrument, used or applied by physicians lawfully practicing, or by their direction or prescription, for the cure or prevention of disease, is not an article, device, advertisement, or any other similar or distinctive article, which, in the judgment of a court of such state or of the United States, is subject to the provisions of this chapter.

§ 1145. Warrant to sheriff to search. A magistrate having jurisdiction to issue warrants in criminal cases, upon complaint that any person within his jurisdiction is offending against the provisions of this article, supported by oath or affirmation, must issue a warrant, directed to the sheriff or to any constable, marshal, or police officer within the county, directing him to search for, seize, and take possession of any of the articles specified in this article, in the possession of the person against whom complaint is made. The magistrate must immediately transmit every article seized by virtue of the warrant, to the district attorney of the county, who must, upon the conviction of the person from whose possession the same was taken, cause it to be destroyed, and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

§ 1146. Physicians' Instruments. An article or instrument, used or applied by physicians lawfully practicing, or by their direction or prescription, for the cure or prevention of disease, is not an article, device, advertisement, or any other similar or distinctive article, which, in the judgment of a court of such state or of the United States, is subject to the provisions of this chapter.

When the lessee, proprietor, or keeper of a disorderly house or other building or any other person is convicted under this section, the lease or contract for letting the premises or the part thereof in which such violation occurred shall, at the option of the owner, agent, or lessee, become void and the owner, agent, or lessee may have the right to recover the amount of the rent or other money paid for such premises, and the right to recover the whole or any part thereof should knowledge or with good reason to know, that it is intended to be used for any of the uses or purposes herein prohibited or otherwise prohibited by the provisions of this chapter, shall be guilty of a misdemeanor.

Upon conviction of any person for a violation of the provisions of this chapter, the court before whom such conviction shall have been had, a certified copy of said conviction and sentence, if any, and the record of said conviction shall immediately be entered on the docket in said office the amount of the penalty or fine imposed, and judgment against the person so convicted or sentenced.

All persons convicted under this section in all places to which chapter six hundred and fifty-nine of the laws of nineteen hundred and ten applies shall be subject to a fine of not less than ten dollars and not more than one hundred dollars for each offense.
§ 1147. Who may arrest persons violating provisions of this article. Any officer of the New York society for the suppression of vice, upon being directed by the board of any county in this state, may within such county make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of any law for the suppression of vice, in and about the trade in, and circulation of obscene literature and illustrations, advertisements and articles of indecent and immoral use, as it is or may be forbidden by the laws of this state, or of the United States.

§ 1148. Male person living on proceeds of prostitution. Every male person who lives wholly or in part on the earnings of prostitution, or who in any public place solicits for immoral purposes, is guilty of a misdemeanor. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be presumed to be living on the earnings of prostitution.

(Added by L. 1910, ch. 382, September 1.)

ARTICLE 108.
INDIANS.
§ 1180. Trepass on Indian lands.
§ 1181. Trepass on Ondorga reservation.

§ 1190. Trespass on Indian lands. A person who enters, removes, causes to be removed or shifts or assists in removing from the Allegany, Cattaraugas, Tusawanda or Ondorga reservations any wood, stones, bark or poles, except as authorized by law, is guilty of a misdemeanor.

§ 1191. Trespass on Ondorga reservation. A person, other than an Ondorga Indian, who cuts or removes from the Ondorga reservation, any tree, timber, wood, bark or poles, in the Ondorga reservation, for the purpose of sale or removal from such reservation, or who removes, causes to be removed or shifts or assists in the removal from such reservation of any tree, timber, wood, bark or poles, except as authorized by law, is guilty of a misdemeanor.

§ 1192. Fraudulently receiving property—removed to defraud creditors.

§ 1193. Concealment of effects of insolvent debtor.

ARTICLE 110.
INSOLVENCY.
§ 1170. Fraudulent conveyances or property, or fraudulent disposition of real or personal property, or of an interest therein, with intent to defraud creditors, or subsequent purchasers, or to hinder, delay, defraud creditors or others; or,

§ 1172. Fraudulently receiving property—removed to defraud creditors.

§ 1173. Concealment of effects of insolvent debtor.

§ 1170. Fraudulent conveyances or property. A person who:

1. Becomes a party to a conveyance or assignment of real or personal property, or of an interest therein, with intent to defraud creditors, or subsequent purchasers, or to hinder, delay, defraud creditors or others; or,

2. Becomes a party to, or knowing of, such a conveyance or assignment so made, willfully puts the same in use as having been made in good faith, is guilty of a misdemeanor.

§ 1171. Fraudulent removal of property to prevent levy. A person who, with intent to defraud a creditor, or to prevent any of his property from being made liable for the payment of any of his debts, or, by fraud, false pretense, or other unlawful means, removes any of his property or securities, conveys or otherwise disposes of the same; or with intent to defraud a creditor, removes, conveys or otherwise disposes of any of his books of account, accounts, vouchers or writings in any way relating to his business affairs, or destroys, obliterates, alters or erases any of such books of account, accounts, vouchers or writings, or any entry, note or minute therein contained, is guilty of a misdemeanor.

§ 1172. Knowingly receiving property—removed to defraud creditors. A person who receives property from another knowing that the property was transferred or delivered to him in violation of intent to violate the law, is guilty of a misdemeanor.

§ 1173. Concealment of effects of insolvent debtor. A person who being an applicant, insolvent debtor, for a discharge from his debts, or for an extension of time for the payment of his debts, or for any other reason, makes a general assignment of property for the payment of his debts, or:

1. Conceals any part of his estate or effects; or
2. Omits to disclose, to the court before which his application is pending, any debt or claim which he has collected, or any transfer of property which he has made, since the presentation of his application; or
3. Fraudulently presents, or authorizes to be presented in his behalf, such an application for a case where it is not authorized by law; or
4. Makes any statement or representation of or in support of such an application, a petition in bankruptcy, a book, account, voucher, or other paper or document, knowing the same to contain false statements; or
5. Fraudulently makes and exhibits, or alterobiterates, or destroys an account or voucher, relating to the condition of his affairs, or an account or voucher, or
6. Commits any fraud upon a creditor, or
7. Puts into the hands of a creditor, or his attorney, or
8. Conspires with, or induces another illegally to consent as creditor to a petition for discharge, or to practice any fraud in any manner is guilty of a misdemeanor.

ARTICLE 112.
INSURANCE.
§ 1120. False statements in application for membership in fraternal benefit associations.
§ 1121. Discriminations and rebates in life insurance corporations prohibited.
§ 1122. Acting as agent of life insurance company without certificate of authority.
§ 1123. Fire insurance corporations to state date and policy only.
§ 1124. Overcharged by marine insurance agents.
§ 1125. Misconduct of officers and agents of insurance companies for the insurance of dangerous animals.
§ 1126. Transfers to unauthorized foreign associations.
§ 1127. Misconduct of officers and agents of insurance companies.
§ 1128. Acts of agents of fire or marine insurance corporations, organized in other states, after revocation of certificate.
§ 1129. Act for foreign insurance corporations.
§ 1130. Receiving rebates in life insurance places of business, and filing of collateral in respect thereto.
§ 1131. Destroying property insured.
§ 1132. Presenting false proofs of loss in case of claim upon policy of insurance.
§ 1133. Issue or circulation of false insurance certificates.

§ 1130. False statements in application for membership in fraternal benefit associations.
CAHILL'S
CONSOLIDATED LAWS
OF
NEW YORK

BEING THE CONSOLIDATED LAWS OF 1909, AS AMENDED TO JULY 1, 1930, OFFICIALLY CERTIFIED BY THE SECRETARY OF STATE AND ENTITLED TO BE READ IN EVIDENCE

COMPiled AND EDITED BY
JAMES C. CAHILL
EDITOR OF CAHILL'S NEW YORK CIVIL PRACTICE; NEW YORK CRIMINAL CODE; NEW YORK CIVIL PRACTICE NOTES

SECOND EDITION

By BASIL JONES
CHIEF OF THE PUBLISHERS' EDITORIAL STAFF, EDITOR OF THE SUPPLEMENTS TO CAHILL'S CONSOLIDATED LAWS; NEW YORK CIVIL PRACTICE; NEW YORK CRIMINAL CODE

CHICAGO
CALLAGHAN AND COMPANY
1930
ARTICLE 100.

§ 1100. Cutting ice in front of premises of another.

§ 1100. Cutting ice in front of premises of another.

1. A person who takes possession of or cuts ice in front of the lands of another on any water except lakes, ponds, the Hudson and Mohawk rivers and the tide waters of Rondout and Catskill creeks, between the center of such body of water and such lands, or if the owner or occupant has posted in a conspicuous manner upon such lands near the banks of such waters a written or printed notice of his desire to cut ice in front of such lands; or,

2. Trespasses upon or takes such ice or any part thereof for commercial purposes; or,

3. Wilfully removes any such notice, is guilty of a misdemeanor.

ARTICLE 102.

INCEST.

§ 1110. Incest.

§ 1110. Incest. When persons, within the degree of consanguinity, within which marriages are declared by law to be incestuous and void, and are habitually engaged in cohabitation or cohabitation, each having intercourse with the other, is punishable by imprisonment for not more than ten years.

ARTICLE 104.

INCOMPETENT PERSONS.

§ 1120. Irresponsibility of idiot or lunatic.

§ 1121. Unlawful confinement of idiots, lunatics and insane persons.

§ 1122. Maintaining private insane asylum.

§ 1123. Injuring life or health of incompetent person.

ARTICLE 106.

ARTICLE 106.

§ 1140. Exposure of person.

§ 1140-a. Obscene prints and articles.
Drugs, medicines, or any article or instrument of indecent or immoral nature, or any article or instrument of unlawful abortion, or for causing unlawful abortion, or for the prevention of conception, or for the prevention of contraception, or for the concealment of unlawful abortion, or for causing unlawful abortion, or for advertising or dispensing any article, recipe, drug, or medicine, is guilty of a misdemeanor, and shall be liable to the same penalties as provided in section eleven hundred and forty-one of this chapter.

§ 1142. Warrant to arrest. A magistrate having jurisdiction to issue warrants in criminal cases, upon complaint that any person within his jurisdiction is offending against the provisions of this article, supported by oath or affirmation, must issue a warrant, directed to the sheriff or to any constable, marshal, or police officer within the county, directing him to search for, seize, and take possession of any of the articles specified in this article, in the possession of the person against whom complaint is made. The magistrate must immediately transmit every article seized by virtue of the warrant, to the district attorney of the county, who must, upon the conviction of the person from whose possession the same was taken, cause it to be destroyed, and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

§ 1145. Physicians' instruments. An article or instrument, used or applied by physicians lawfully practicing, or by their direction or prescription, or by a prescription in writing or written prescription, or by a prescription or notice of any kind, or given gratuitously, stating when, where, how, of whom, to whom, for what use, for what purpose, to be used or applied to use, or apply any such article, recipe, drug, or medicine, in the prevention of conception, or for the prevention of conception, or for the concealment of unlawful abortion, or for advertising or dispensing any article, recipe, drug, or medicine, is not an article of indecent or immoral nature or use, within this article. The supplying of such articles to such physicians or by their direction or prescription, is not an offense under this article.

§ 1146. [Keeping disorderly houses.] Whosoever shall keep or maintain a house of ill fame or assignation of any description or a place for the encouragement or practice by persons of lewdness, fornication,
unlawful sexual intercourse or for any other indecent or disorderly act or obscene purpose therein or any place of public resort at which the decency, peace or comfort of a neighborhood is disturbed shall be guilty of a misdemeanor.

When the lessee, proprietor, or keeper of a disorderly house or other building or any other person is convicted, under this section, the lease or contract for letting the premises or the part thereof in which such violation occurred shall, at the option of the owner, agent or lessee, become void and the owner, agent or lessee may have the like remedy to recover the possession as against a tenant holding over after the expiration of his term.

When the owner, agent or lessee shall agree to lease or rent or contract for letting any building or part thereof known or with good reason to know, that it is intended to be used for any of the uses or purposes herein prohibited or whosoever as owner, agent or lessee knowingly or with good reason to know permits any house or room or other part of any building or premises of which he may be the owner, agent or lessee to be used in whole or in part for any of the uses or purposes herein prohibited, shall be guilty of a misdemeanor.

Upon conviction of any person for a violation of the provisions of this section, the court before whom such conviction shall have been had, or the clerk of such court if there be a clerk, shall forthwith make and file in the office of the clerk of the county, in which such conviction shall have been had, a certified statement of said conviction and sentence, if any. and the clerk of said county shall immediately enter in the judgment docket book in said office the amount of any fine imposed, or any other like remedy provided as a judgment against the person so convicted or sentenced.

All persons convicted under this section in all places to which chapter six hundred and fifty-nine of the laws of nineteen hundred and ten sąpplies shall be identified as owner, agent or lessee at section seventy-eight of that chapter. (As amended by L. 1913, ch. 591, May 17; L. 1910, ch. 619.)

§ 1147. Who may arrest persons violating provisions of this article. Any agent of the New York society for the suppression of vice, upon being designated thereto by the sheriff of any county in this state, may, within such county make arrests and bring before any court or magistrate thereto having jurisdiction, owners found violating the provisions of any law for the suppression of the trade in, and circulation of obscene literature and illustrations, advertisements and articles of indecent and immoral use, as it is or may be forbidden by the laws of this state, or of the United States.

§ 1148. Male person living on proceeds of prostitution. Every male person who lives wholly or in part on the earnings of prostitution, or who in any public place solicits for immoral purposes, is guilty of a misdemeanor. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be presumed to be living on the earnings of prostitution. (Added by L. 1910, ch. 382, September 1.)

ARTICLE 108.

INDIANS.

§ 1160. Trespasses on Indian land.

§ 1161. Trespasses on Ondondaga reservation. A person who cuts, removes, causes to be removed or aids or assists in removing from the Allegany, Cattaragus, Tonawanda or Ondondaga reservations any wood, timber, bark or poles, except as authorized by law, is guilty of a misdemeanor.

§ 1162. Trespasses on Indian land. A person who cuts, removes, causes to be removed or aids or assists in removing from the Allegany, Cattaragus, Tonawanda or Ondondaga reservations any wood, timber, bark or poles, except as authorized by law, is guilty of a misdemeanor.
BALDWIN'S
NEW YORK
CONSOLIDATED LAWS
ANNOTATED
1938

Containing All Laws to June 1, 1938

WILLIAM EDWARD BALDWIN, D.C.L.

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Oldest Law Publishing House in America—Established 1804
CLEVELAND

BANKS LAW PUBLISHING COMPANY
NEW YORK
(Representative)
§ 1122. Maintaining private insane asylums.—A person who conducts or maintains a private insane asylum, or institution for the care or treatment of persons of unsound mind, without a license issued and granted to such person according to law, is guilty of a misdemeanor.

§ 1123. Injuring life or health of incompetent persons.—A person who:
1. Willfully causes or permits the life or limb of any person, who is from any cause incompetent to care for himself, to be endangered or his health to be injured, or
2. Willfully is guilty of harsh, cruel or unkind treatment of, or any neglect of duty towards any person who is from any cause incompetent to care for himself, is guilty of a misdemeanor. (L 1921 c 427. Eff. Sept. 1, 1921.)

ARTICLE 109
Indecency

§ 1146. Exposure of person.—A person who willfully and lewdly exposes his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another so to expose himself, is guilty of a misdemeanor.

§ 1146-a. Exposure of person.—A person who willfully and lewdly exposes his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another so to expose himself, is guilty of a misdemeanor.

§ 1147. Obscene prints and articles.—A person who sells, lends, gives away or sells, or departs from, lends, gives away, or sells, or has in his possession with intent to sell, lend, give away, or sell, any obscene, indecent, immoral or impure drama, play, exhibition, show or entertainment, or any obscene, indecent, immoral, impure scene, tableau, incident, part or portion of any drama, play, exhibition, show or entertainment, which would tend to the corruption of the morals of youth or others; or who (L 1931 c 663. Eff. Sept. 1, 1931.)

2. Prepares, advertises, gives, directs, presents or participates in, any drama, play, exhibition, show, entertainment, scene, or tableau depicting or dealing with the subject of sex degeneracy, or sex perversion; and

3. Every person aiding or assisting any such act, and every owner, lessee, or manager of any theatre, garden, building, room, place or structure, who leases or lets the same or permits the same to be used for the purposes of any such drama, play, exhibition, show or entertainment, or any such scene, tableau, incident, part or portion of any drama, play, exhibition, show or entertainment, which would tend to the corruption of the morals of youth or others; or who (L 1931 c 663. Eff. Sept. 1, 1931.)

4. The provisions of this section shall apply to any person participating in, as an actor, musician, stage hand or any other capacity, in the production of obscene plays, or in the corrupt morals. Fact that scene and the act are not in full view or in public places shall not be a defense. (L 1931 c 663. Eff. Sept. 1, 1931.)

5. Any person who commits any act, or participates in any show, or theatre, or any other place of public entertainment, in which any act, or any article referred to in this section is performed, is guilty of a misdemeanor. (L 1931 c 663. Eff. Sept. 1, 1931.)
which, taken by themselves, are undoubtedly vulgar and indecent, is not obscene within the meaning of this section. That book is part of a very limited edition in immaterial.

155 M 466, 279 S 583 (1936). Criterion of decency is fixed by the time, place, geography and all elements that make for constantly changing world. Notwithstanding that the section has been continuously in effect since 1884, standard governing work is measure of public opinion at time and place of alleged offense. Obscenity statute was not intended to suppress bona fide literary effort but rather to prohibit exploitation of smut—dirt in raw.

147 M 813, 264 S 524 (1933). Test of tendency to incite lustful desires has reference to acts and not pure thoughts.

147 M 813, 264 S 534 (1933). Character of book as obscene and lewd or otherwise must be judged by consideration of book as a whole, and not the parts in isolation.

147 M 813, 264 S 534 (1933). Book falls within inhibition of this section when its tendency as a whole, and principal purpose thereof, are to excite lustful desires, since statute is aimed at pornography, and a pornographic book is one in which all other incidents and qualities are mere accessories to primary purpose of stimulating immoral thoughts.

123 M 693, 234 S 213 (1929). Where defendant is charged with distributing four copies of the book "Rabbin in the Holy Temple," which it is alleged is obscene, indecent, immoral and impure and its distribution violates this section no certificate that it is reasonable to have charges prosecuted by indictment appears necessary or desirable, since it cannot be held that circular involves freedom of expression which prints selections or excerpts, from books, such as describing seduction and other acts by "the people of God," and contains red ink statement that those selections are only few of hundreds of similar experiences stated in book.

133 M 611, 233 S 113 (1929). Defendants, who were charged with having violated this section by possession and sale of book entitled "Weather of Loneliness," held for court of special sessions, where subject-matter of book is offensive to public decency, and is calculated to deprave and corrupt minds open to its immoral influence and who might come in contact with it.

126 M 570, 211 S 797 (1923). Where application for remission of sentence for return of each book without warrant by police, and held by district attorney as evidence of alleged obscene matter contained therein in violation of summary conviction for violation of this section of an unmistakably obscene, lewd and indecent should not be returned to publisher where their release would only matter and/or obscenity before law could effectively intervene.

122 M 339, 203 S 809 (1934). Defendant was charged with violation of this section in the writing and sale and show he was in unlawful possession of certain obscene book entitled "Casanova's Homecoming." Contents of book, though not set forth in indictment, are such as to be considered as part thereof as if fully set forth therein.

94 M 624, 138 S 981 (1916). Public exhibition of indecent and obscene moving pictures in "The Darkling of the Seven Vells," is punishable under this section.

§ 1141-a. Indecent posters.—Any person who shall expose, place, display, post up, exhibit or paint, print or mark, or cause to be exposed, placed, displayed, posted, exhibited or painted, printed or marked in or on any building, structure, billboard, wall or fence, or on the street, or in or upon any public place, any placard, poster, bill or picture, or shall knowingly permit the same to be so displayed or exhibited, shall be considered as part thereof as if fully set forth therein.

§ 1149. Indecent articles.—A person who sells, lends, gives away, or in any manner exhibits or offers to sell, lend or give away, or has in his possession with intent to sell, lend or give away, or advertises, or offers for sale, loan or distribution, any instrument or article, or any recipe, drug or medicine, for the prevention of conception, for unlawful abortion, or purporting to be for the prevention of conception, or for causing unlawful abortion, or advertisements, or holds out representations that it can be so used or applied, or any such description as will be calculated to lead another to so use or apply any such article, recipe, drug, medicine or instrument, or who writes or prints, or causes to be written or printed, a card,
circular, pamphlet, advertisement or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such an instrument, article, recipe, drug or medicine can be purchased or obtained, or who manufactures any such instrument, article, recipe, drug or medicine, is guilty of a misdemeanor, and shall be liable to the same penalties as provided in section eleven hundred and forty-one of this chapter.

This section referred to in Educ. Law §1284, 1362, subd. 2.

Constitutional. 99 M 1, 168 S 682 (1917). Where defendant was convicted of violation of this section upon proof that she sold article to be used by women to prevent conception and as a means of contraceptive sterilization therefor disseminated literature dealing with question of conception and setting forth various ways and means by which it could be prevented, notion for contraceptive sterilization on sole ground that said statute is unconstitutional will be denied.

229 NY 129, 118 NE 537 (1918).—Provision of this section which makes it misdemeanor to sell, advertise or give information for prevention of conception does not violate constitution.

181 AD 153, 168 S 183 (1917). Upon prosecution of defendant, physician, for violation of this section, it appeared that defendant gave prescription to one of witnesses for further supply of pills, but prescription was nothing more than formula for nausea, and there was no proof that pills in dose recommended would be an abortifacient or that they were prescribed for purpose of causing unlawful abortion. Defendant cannot be convicted of selling or giving away drug or medicine for causing unlawful abortion or purporting to be for contraception if he is not shown to have been directed to sell or give it for that purpose.

Graven of provision of this section, prohibiting holding out of representations that drug or medicine can be so used or applied, or any such description as will be calculated to lead another to so use, apply, etc. (181 AD 153, 168 S 183 (1917).)

179 AD 13, 166 S 338 (1917). Commissioner of licenses in New York had power to revoke plaintiff's theater license because of showing of a picture, "Birth Control," and his action was not an abuse of discretion and was not capricious or arbitrary as the picture violated the provisions of this section.

§1143. Mailing or carrying obscene prints and pictures.—A person who deposits, or causes to be deposited, in any post office, within the state, or places in the hands of an express company, or of a common carrier, other person, for transportation, or to save the destruction thereof, any of the things specified in the last four sections, or any book, booklet, pamphlet, advertisement, or notice thereof, with the intent of having the same sent by mail or express, or in any other manner, knowingly or wilfully receives the same, and to carry or convey, or knowingly or wilfully conveys the same, by express, or in any other manner, except in the United States mail, shall be guilty of a misdemeanor. (L 1927 c 543. Eff. May 1, 1927.)

§1144. Warrant to sheriff to search.—A person having jurisdiction to issue warrants in criminal cases, upon complaint that any person within his jurisdiction is offending against the provisions hereof, may issue warrant, directed to the sheriff or any constable, commanding the sheriff or any constable to go into the house, tenement, or place of business, and there break open the same, and, if he can find the person against whom complaint is made, and shall, on his refusal to deliver the person to the warrant, to the district attorney of the county who shall, upon the conviction of the person from whose possession the same was taken, cause it to be destroyed, and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

§1145. Physicians' instruments.—An article or instrument, used or applied by physicians licentiate practicing, or by their direction or prescription, for the cure or prevention of disease, is not an article indecent or immoral nature or use, within the statute. The supplying of such articles to such physicians by direction or prescription, is not within this article.

§1146. (Disorderly house; punishment for keeping) Whosoever shall keep or maintain a house of ill repute or assignment of any description or a place for the encouragement or practice by persons for or any purpose unlawful, sexual intercourse or to any other indecent or disorderly act or obscene place within or in any house of the city of New York, shall be guilty of a misdemeanor.

When the lessee, proprietor, or keeper of a disorderly house or other building or any other place convicted under this section, the lessee or keeper of the premises or the person thereof in the same, the violation occurred shall, at the option of the agent or lessor, become void and the owner or lessee may the like remedy to remedy against such as against a tenant holding over after expiration of his term.

Whosoever as owner, agent or lessor shall have the lessee or tenant or assignee of lease or rent or tenant or assignee of premises thereto knowing or with common knowledge or reason to know permits the house or part thereof for the purpose of which the premises were let for the purpose of any of the uses or purposes herein prohibited or [Vestal's Statutes, 1855, p. 518] as owner, agent or lessor to put or cause to be put any of the premises or any part of any of the premises of which he is the owner, agent or lessor to be used for any of the uses or purposes herein prohibited or [Vestal's Statutes, 1855, p. 518] he shall be guilty of a misdemeanor.
Art. 110, § 1170

PENAL LAW

§ 1147. Who may arrest persons violating provisions of this article.—Any agent of the New York society for the suppression of vice, upon being designated thereto by the sheriff of any county in this state, may within such county make arrests and bring before any court or magistrate thereof having jurisdiction, offenders found violating the provisions of any law for the suppression of the trade in, and circulation of obscene literature and illustrations, advertisements and articles of indecent and immoral use, as it is or may be forbidden by the laws of this state, or of the United States.

This section referred to in § 1146.

§ 1148. Male person living on proceeds of prostitution.—Every male person who lives wholly or in part on the earnings of prostitution, or who in any public place solicits for immoral purposes, is guilty of a misdemeanor. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be presumed to be living on the earnings of prostitution. (L 1910 c 382. Eff. Sept. 1, 1910.)

This section referred to in Pub. Health Law, § 34-3 et seq.

ARTICLE 108

Indians

§ 1150. Trespasses on Indian lands.—A person who cuts, removes, causes to be removed or aids or assists in removing from the Allegany, Cattaraugus, Seneca or Onondaga reservations any wood, trees, timber, bark or poles, except as authorized by law, is guilty of a misdemeanor.

§ 1151. Trespasses on Onondaga reservation.—A person, other than an Onondaga Indian, who cuts or removes from the Onondaga reservation any tree, timber, wood, bark or poles; or an Indian who cuts for the purpose of sale or removal from such reservation, or who removes, causes to be removed or aids in the removal from such reservation of any tree, timber, wood, bark or poles, except as authorized by law, is guilty of a misdemeanor.

ARTICLE 110

Insolvency

§ 1170. Fraudulent conveyances of property.—A person who:
1. Becomes a party to a conveyance or assignment of real or personal property, or of an interest therein, with intent to defraud prior or subsequent purchasers, or to hinder, delay, or defraud creditors or other persons; or,
2. Being a party or privy to, or knowing of, such a conveyance or assignment so made, wilfully puts
REVISAL OF 1905
OF
NORTH CAROLINA

PREPARED UNDER CHAPTER THREE HUNDRED AND FOURTEEN
OF THE LAWS OF ONE THOUSAND NINE
HUNDRED AND THREE

THOMAS E. WOMACK, LL. D., NEEDHAM Y. GULLEY,
WILLIAM B. RODMAN

AND ENACTED AS A LAW AT THE SESSION OF THE GENERAL ASSEMBLY
OF ONE THOUSAND NINE HUNDRED AND FIVE

IN TWO VOLUMES

VOLUME ONE

RALEIGH
E. M. UZZELL & CO., Printers and Binders
1906
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T. B. WOMACK, N. Y. GUILLEY AND W. B. ROEHLAN
FOR THE STATE OF NORTH CAROLINA.
ing as agent in the state for or on behalf of any such lottery, to be

drawn or paid either out of or within the state, such person shall be
guilty of a misdemeanor, and punished as in the preceding section.

Code, s. 1048; R. C. c. 34, s. 76; 1834, c. 19, s. 2.

3728. Letters; wrongfully opening or reading. If any person
shall wilfully, and without authority, open or read, or cause to be
opened or read, a sealed letter or telegram, or shall publish the whole
or any portion of such letter or telegram, knowing it to have been
opened or read without authority, he shall be guilty of a misde-
meanor.

1886, c. 41, s. 2.

3729. Minor going in barroom, etc. If the keeper or owner of
any barroom, billiard room, or bowling alley, shall allow any minor
to enter or remain in such barroom, billiard room, or bowling alley,
if before such minor enters or remains in such barroom, billiard
room, or bowling alley, the owner or keeper thereof has been notified
by the parents or guardian of such minor not to allow such minor
to enter or remain in such barroom, billiard room, or bowling alley,
se be guilty of a misdemeanor and upon conviction be fined not
exceeding fifty dollars or imprisoned not exceeding thirty days.

1897, c. 273.

3730. Nontransferable script to laborers. If any person who
employs laborers by the day, week or month shall issue in payment
for such labor any ticket or tickets, certificate or other script bearing
upon their face the word "nontransferable," or shall issue tickets,
certificate or script in any form that would render them void by
transfer from the person to whom issued; or shall refuse to pay to
the person holding the same their face value, he shall be guilty of
a misdemeanor, and upon conviction thereof shall be fined not less
than ten dollars nor more than fifty dollars for each offense, or
imprisoned not more than thirty days.

1889, c. 380; 1891, c. 78; 1891, c. 450; 1891, c. 40; 1891, cc. 167, 570; 1895, c.
127; 1891, cc. 167, 456.

3731. Obscene literature. If any person shall exhibit for the
purpose of gain, lend for hire or otherwise publish or sell for the
purpose of gain, or exhibit in any school, college or other institution
of learning, or have in his possession for the purpose of sale or dis-
tribution, any obscene book, paper, writing, print, drawing or other
representation, he shall be guilty of a misdemeanor.

1885, c. 128.
REVISAL OF 1908
OF
NORTH CAROLINA

BEING THE PUBLIC AND GENERAL STATUTES OF THE STATE, PREPARED BY
AUTHORITY OF CHAPTER 522 OF THE PUBLIC LAWS OF 1907
AND ANNOTATED WITH DECISIONS OF SUPREME COURT

BY
GEORGE P. PELL, LL. B.
OF THE WINSTON-SALEM (N. C.) BAR

BASED UPON THE OFFICIAL CODIFICATION BY: THOMAS B. WOMACK, LL. D., NEEDHAM Y.
GUELLEY AND WILLIAM B. RODMAN, KNOWN AS THE REVISAL OF 1905,
AND WITH THE PUBLIC LAWS OF THE SESSIONS OF
1907 AND 1908 CODIFIED THEREINTO

IN TWO VOLUMES

VOL. II

CHARLESTON, S. C.
WALKER, EVANS & COGSWELL CO. PUBLISHERS
1908
3728. Letters: wrongfully opening or reading. If any person shall wilfully, and without authority, open or read, or cause to be opened or read, a sealed letter or telegram, or shall publish the whole or any portion of such letter or telegram, knowing it to have been opened or read without authority, he shall be guilty of a misdemeanor.

1897, c. 278.

3729. Minor going in barroom, etc. If the keeper or owner of any barroom, billiard room, or bowling alley, shall allow any minor to enter or remain in such barroom, billiard room, or bowling alley, if before such minor enters or remains in such barroom, billiard room, or bowling alley, the owner or keeper thereof has been notified by the parents or guardian of such minor, not to allow such minor to enter or remain in such barroom, billiard room, or bowling alley, he shall be guilty of a misdemeanor and upon conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

1897, c. 278.

3730. Nontransferable script to laborers. If any person who employs laborers by the day, week or month shall issue in payment for such labor any ticket or tickets, certificate or other script bearing upon their face the word "nontransferable," or shall issue tickets, certificates or script in any form that would render them void by transfer from the person to whom issued; or shall refuse to pay to the person holding the same their face value, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for each offense, or imprisoned not more than thirty days.

1899, c. 290; 1891, c. 78; 1891, c. 456; 1891, c. 46; 1891, c. 167, 576; 1895, c. 257; 1891, c. 167, 456. This does not authorize the assignment of a ticket or script payable in merchandise to demand and receive payment in money: Marriner v. Roper Co., 112-164. Meaning of "face value."

1656.

3731. Obscene literature; placards, etc.; indecent exposures; lewd dances. If any person shall exhibit for the purpose of gain, lend for hire or otherwise publish or sell for the purpose of gain, or exhibit in any school, college or other institution of learning, or have in his possession for the purpose of sale or distribution, any obscene book, paper, writing, print, drawing or other representa-
tion, or if any person post any indecent placards, writings, pictures, or drawings on walls, fences, bill-boards, or other places, or if any person make any public exposure of the person or other indecent exhibitions, or give or take part in any immoral show, exhibition, or performance where indecent, immoral, or lewd dances or plays are conducted in any booth, tent, room, or other place to which the public is invited, or if any one permit such exhibitions or immoral performances to be conducted in any tent, booth, or other place owned or controlled by him, he shall be guilty of a misdemeanor.

1885, c. 125; 1907, c. 502.

3731a. Obscene pictures, etc., near public highways or public places. If any person shall write, cut or carve any indecent word or words, or paint, cut or carve any obscene or lewd picture, or representation, on any tree or other object near the public highways or public places, he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

1907, c. 344.

3732. Pension claims; speculating in. If any person shall speculate in or purchase for a less sum than that to which each may be entitled the claims of any soldier or sailor, or widow of a deceased soldier or sailor, allowed under the provisions of the pension law, he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

1903, c. 276, s. 12; 1885, c. 214, s. 12; 1907, c. 674, s. 12. Seems that this section does not authorize the assignment of a pension to become payable in the future: Gill v. Dixon, 131-37.

3733. Public drunkenness. If any person shall be found drunk or intoxicated on the public highway, or at any public place, or meeting, in the counties of Dare, Graham, Buncombe, Henderson, Jackson, Wake, Warren, Ashe, Stanly, Madison, Gaston, Cleveland, Haywood, Macon, Catawba, Lincoln, Mecklenburg, or Rutherford, or in Polk Branch and Fuitville townships, Currituck county, or at Pungo in Beaufort county, or shall become drunk and engage in boisterous and disorderly conduct on any public highway in either Moore, Richmond or Scotland counties, he shall be guilty of a misdemeanor and be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

1907, c. 67; 1899, cc. 87, 204, 698, 638; 1901, c. 445; 1903, c. 116; 1903, c. 765; 1903, c. 124; 1903, c. 523; 1907, cc. 305, 785, 908, 1908, c. 113; 1908, c. 32. Special statute as to Eno Cotton Mills, 1907, c. 172—as to Altamahaw Cotton Mills, 1907, c. 246—as to Clay county, 1907, c. 309—as to Holt Granite Manufacturing Company Mills, see 1907, c. 771—as to Osipee Mills, Boonville Township, see 1907, c. 906.
CONSOLIDATED STATUTES
OF
NORTH CAROLINA

PREPARED UNDER PUBLIC LAWS 1917, CHAPTER 292, AND PUBLIC LAWS 1919, CHAPTER 238
BY
L. P. McGEHEE

UNDER DIRECTION OF REVISION COMMISSION
HARRY W. STUBBS, CHAIRMAN; LINDSAY C. WARREN, HARRY F. GRIER, STAHLER LINN, CARTER DALTON

ANNOTATED
ON THE BASIS OF PELL'S REVISION OF 1908
BY
A. C. McIntosh

IN TWO VOLUMES

VOLUME ONE

RALEIGH
COMMERCIAL PRINTING COMPANY, STATE PRINTERS
1920
themselves to be, husband and wife in any hotel, public inn or boarding-house, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.
1917, c. 158, s. 2.

4346. Permitting unmarried female under eighteen, in house of prostitution. 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 run in such house, building or premises, shall be guilty of a misdemeanor.
1919, c. 288; P. L. 1923, c. 761, s. 18.

4347. Certain evidence relative to keeping disorderly houses admissible; keepers of such houses defined. On a prosecution in any court for keeping a disorderly house or bawdy-house, or permitting a house to be used as a bawdy-house, or used in such a way as to make it disorderly, or in a common nuisance, evidence of the general reputation or character of the house shall be admissible and competent; and evidence of the lewd, dissolute and boisterous conversation of the inmates and frequenters, while in and around such house, shall be prima facie evidence of the bad character of the inmates and frequenters, and of the disorderly character of the house. The manager or person having the care, superintendence or government of a disorderly house or bawdy-house is the "keeper" thereof, and one who employs another to manage and conduct a disorderly house or bawdy-house is also "keeper" thereof.
1907, c. 779.

For statute declaring prostitutes and keepers of bawdy-houses vagrants, see section 4489.
A disorderly house is a house kept in a way to disturb and scandalize the public generally or a particular neighborhood or the passers-by: State v. Wilson, 93-608; see, also, State v. Wright, 52-25; State v. Thornton, 44-252; State v. Boyes, 35-586; State v. Matthews, 15-424.
A bawdy-house is the common habitation of prostitutes, a brothel: State v. Evans, 27-603.
A woman living alone who allows men to come in and have illicit intercourse with her does not keep a "bawdy-house": State v. Evans, 27-603; State v. Calley, 104-858.
Persons renting a house to another with the knowledge that it is to be used, and it is used, as a bawdy-house, is guilty: State v. Boyd, 175-791.
For evidence sufficient and insufficient to establish guilt, see State v. Calley, 104-858; State v. Wilson, 93-608. Evidence as to character and reputation of house is admissible: State v. Price, 275-804.
As to powers of city authorities in the enactment of ordinances concerning bawdy-houses and houses of ill-fame, see State v. Weber, 127-902.

4348. Obscene literature, indecent exposure and lewd dances. If any person shall exhibit for the purpose of gain, lead for hire or otherwise publish or sell for the purpose of gain, or exhibit in any school, college or other institution of learning, or have in his possession for the purpose of sale or distribution, any obscene book, paper, writing, print, drawing or other representation; or if any person shall post any indecent placards, writings, pictures or drawings on walls, fences, bill-boards or other places; or if any person shall make any public exposure of the person or other indecent exhibition, or take part in any immoral show, exhibition or performance, where indecent, immoral or lewd dances or plays are conducted, in any booth, tent, room or other place to which the public is invited; or if any one shall permit such exhibitions or immoral performances to
be conducted in any tent, booth, or other place owned or controlled by him, he shall be guilty of a misdemeanor.

Rev. s 3781; 1885, c. 126; 1907, c. 502.
Section referred to: Brewer v. Wynne, 163-319.

4349. Cutting or painting obscene words or pictures near public places. It shall be unlawful for any person to write, cut or carve any indecent word, or to paint, cut or carve any obscene or lewd picture or representation, on any tree or other object near the public highways or other public places. Any person guilty of violating this section shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

1907, c. 344.

4350. Using profane or indecent language on passenger trains. It shall be unlawful for any person to curse or use profane or indecent language on any passenger train. Any person so offending shall upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days.

1907, c. 470, 88, 1, 2.

4351. Using profane or indecent language to female telephone operators. It shall be unlawful for any person to use any lewd or profane words, or any words of vulgarity, or to use indecent language to any female telephone operator operating any telephone, switchboard, circuit or line. Any person violating this section shall upon conviction be guilty of a misdemeanor.

1913, c. 35; 1915, c. 41.

4352. Local: Using profane or indecent language on public highways. If any person shall, on any public road or highway and in the hearing of two or more persons, in a loud and boisterous manner, use indecent or profane language, he shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. The following counties shall be exempted from the provisions of this section: Dare, Tyrrell, Washington, Beaufort, Martin, Pitt, Wataga, Cleveland, Brunswick, Stanly, Perquimans, Pasquotank, Camden, Swain, Gates, Davie, Orange, Jones, Transylvania, Macon and Craven.

1913, c. 40.

The provisions of act 1908, c. 125, as to disorderly conduct in public road in Robeson, do not change the common-law offense: State v. Faulk, 154-328.

Any person who shall use vulgar or obscene language on the premises of the Kinston Cotton Mills shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars, or be imprisoned not more than ten days. See 1909, c. 46, 8, 3.

4353. Lewd women within three miles of colleges and boarding-schools. If any loose woman or woman of ill-fame shall commit any act of lewdness with or in the presence of any student, who is under twenty-one years old, of any boarding-school or college, within three miles of such school or college, she shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Upon the trial of any such case students may be competent but not compellable to give evidence. No prosecution shall be had under this section after the lapse of six months.

Rev. s 3253; 1889, c. 525.