

Nineteen Hundred Thirty-One  
Supplement

to

# Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the  
Legislature, both new and amendatory, and notes showing repeals,  
together with annotations from the various courts, state  
and federal, construing the constitution, statutes,  
charters and court rules of Minnesota



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"Trick or artifice" must deceive, and defense was without merit where there was affirmation by signer after knowledge of the precise character of the instrument. 172M126, 214NW924.

Evidence held to show that misrepresentations were made by payee in note. 174M115, 218NW464.

Finding that there was no fraud or misrepresentation by cashier of bank in transaction in

which note was given held sustained by evidence. 174M261, 219NW93.

Evidence held sufficient to establish defense under this section, which creates a new defense that is not lost by the mere fact that the payee or holder of the note becomes insolvent and goes into the hands of a receiver after its execution. *Simerman v. H.*, 225NW913.

## CHAPTER 52 Partition Fences

### §7248. Fence viewers.

Establishment of center of section of land. 172M388, 215NW426.

## CHAPTER 53

## Estrays and Beasts Doing Damage

### BEASTS DOING DAMAGE

#### §7275. Notice to owner.

Notice is not waived by a general statement of the owner of the animals to one taking them up, "to have the damages appraised and he would pay for them." *Pruka v. M.*, 234NW641. See Dun. Dig. 277, 10134.

The notice required in proceedings to distrain animals doing damage is a written notice and is jurisdictional. *Pruka v. M.*, 234NW641. See Dun. Dig. 277.

### MISCHIEVOUS DOGS

#### §7285. Keeping after notice.

Owner of dog becomes liable on receiving notice by seeing the forbidden act or by information from any other person, oral or written. Op. Atty. Gen., Oct. 30, 1929.

#### §7286. Dogs worrying livestock or poultry.

Dogs may be killed under statutory authority when they are nuisances, G. S. 1923, §7287, or when they menace live stock or poultry, G. S. 1923, §7286, as amended. 175M368, 221NW430.

Common-law rule is not abrogated by this section. 175M368, 221NW430.

#### §7287. Nuisance, when—Procedure.

174M457, 219NW770.

Dogs may be killed under statutory authority when they are nuisances, G. S. 1923, §7287, or when they menace live stock or poultry, G. S. 1923, §7286, as amended. 175M368, 221NW430.

Common-law rule is not abrogated by this section. 175M368, 221NW430.

### RUNNING AT LARGE OF CERTAIN ANIMALS

#### §7297-1. County board to license dogs.—

The Board of County Commissioners of any county, by a majority vote, may provide for the licensing and regulating the running at large of dogs, and create a livestock indemnity fund to be handled and disbursed as hereinafter set forth. After the plan therefor shall have been in operation in any county for at least one year, the Board of County Commissioners thereof may by a majority vote, abandon the same. In any county containing a city of the first class the Board of County Commissioners shall exclude from the

operation of this act such city of the first class. (Act Apr. 21, 1931, c. 295, §1.)

**§7297-2. Owners to obtain licenses.**—The owners of all dogs six months old or over, except dogs kept in kennels, in all counties providing for the licensing and regulating the running at large of dogs as provided for in Section one of this act, shall annually obtain a license therefor, as herein provided, and it shall be unlawful for the owner of any dog six months old or over to allow such dog to run at large without being so licensed or without wearing the license tag herein provided for. (Act Apr. 21, 1931, c. 295, §2.)

**§7297-3. Who are owners.**—For the purposes of this act, the term "owner" shall, in addition to its ordinary meaning, include any person who keeps or harbors a dog. (Act Apr. 21, 1931, c. 295, §3.)

**§7297-4. County auditor to issue license.**—The owner of a dog for which a license shall be required, shall on or before the 15th day of July, of each year apply to the auditor of the county in which such owner resides for a license for each dog owned by him. (Act Apr. 21, 1931, c. 295, §4.)

**§7297-5. Application.**—Application for license shall be made after July 15th and at any time, for a dog which has come into the possession or ownership of the applicant or which has reached the age of six months after said date. (Act Apr. 21, 1931, c. 295, §5.)

**§7297-6. Contents of application.**—Such application shall be in writing on blank provided therefor by the county auditor and shall state the breed, sex, age, color, markings and name, if any, of the dog, and if a female, whether or not spayed, and the address of the owner and shall be signed by him, or a duly authorized agent of such owner. (Act Apr. 21, 1931, c. 295, §6.)

**§7297-7. License fee.**—The annual license fee shall be \$1.00 for each male or spayed female dog and \$3.00 for each unspayed female dog. Such fee shall accompany the ap-