

1934 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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CHAPTER 56

Auctioneers

7322. Licenses—Persons entitled to.

Any person may be licensed as an auctioneer to make sales of livestock without regard to his residence. Op. Atty. Gen., Dec. 10, 1929.

Minnesota cannot license a resident of Iowa. Op. Atty. Gen., Feb. 27, 1931.

Non-residents from an adjoining state which does not issue auctioneers' licenses to residents of this state on the same basis as to residents of such adjoining state

cannot be licensed to conduct auction sales of goods other than live stock. Op. Atty. Gen., Feb. 3, 1932.

The holder of a void auctioneer's license could not rely upon such license as a defense to a criminal action. Op. Atty. Gen., Feb. 3, 1932.

7327. Unlicensed sales.

Owner of goods may not sell them at auction without license. Op. Atty. Gen., Oct. 5, 1929.

CHAPTER 56A

Hawkers, Peddlers, and Transient Merchants

HAWKERS AND PEDDLERS

7328. Engaging in business without license, etc.

Op. Atty. Gen., June 5, 1933; note under §4367.

A salesman representing a wholesaler dealing exclusively with retail merchants and not consumers is not a "peddler." Op. Atty. Gen., July 2, 1930.

One holding a wholesale produce dealer's license is not thereby relieved from the necessity of taking out a peddler's license. Op. Atty. Gen., Mar. 12, 1931.

Persons who sell to dealers only are not peddlers. Op. Atty. Gen., July 8, 1933.

TRANSIENT MERCHANTS

7337. Engaging in business without license.

175M374, 221NW428.

7338. License, how applied for and issued—Fees.

A transient merchant who has obtained a license in compliance with city ordinance is also compelled to obtain a license from county auditor under this section. Op. Atty. Gen., Oct. 6, 1932.

7340. Transient merchant defined.

A farmer who buys products from other farmers in the vicinity and sells them must take out a peddlers' license. Op. Atty. Gen., Oct. 14, 1931.

A farmer who occupies a stand on a public highway and sells the products of his garden and also products which he does not raise is a transient merchant who must have a license. Op. Atty. Gen., Oct. 23, 1931.

City of Pipestone has authority to regulate "transient merchants" but not "transient dealers." Op. Atty. Gen., Oct. 9, 1933.

7342. Not applicable to certain sales.

A farmer who occupies a stand on a public highway and sells the products of his garden and also products which he does not raise is a transient merchant who must have a license. Op. Atty. Gen., Oct. 23, 1931.

7343. Right of municipalities, etc., to regulate.

Transient merchant obtaining license under city ordinance must also obtain one from county auditor. Op. Atty. Gen., Oct. 6, 1932.

A village may not, under guise of licensing, adopt an ordinance which is prohibitive. Op. Atty. Gen., May 18, 1933.

CHAPTER 56B

Trade and Other Names

7352-1. Lodge and society emblems may be registered.—That any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or any other society, organization or association, degree, branch, subordinate lodge, or auxiliary thereof, whether incorporated or unincorporated, the principles and activities of which are not repugnant to the Constitution and Laws of the United States or this State, may register, in the office of the Secretary of State, a facsimile, duplicate, or description of its name, badge, motto, button, decoration, charm, emblem, rosette or other insignia, and may, by re-registration alter or cancel the same. (Act Apr. 17, 1933, c. 295, §1.)

7352-2. Application for registration.—Application for such registration, alteration or cancellation, shall be made by the chief officer or officers of said association, lodge, order, fraternal society, beneficial association or fraternal and beneficial society or association, historical, military or veterans' organization, labor union, foundation, federation or any other society, organization or association, degree, branch, subordinate lodge or auxiliary thereof, upon blanks to be provided by the Secretary of State; and such registration shall be for the use, benefit, and on behalf of all associations, degrees, branches, subordinate lodges, and auxiliaries of said association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or any other society, organization, or as-

sociation, degree, branch, subordinate lodge, or auxiliary thereof, and the individual members and those hereafter to become members thereof, throughout this state. (Act Apr. 17, 1933, c. 295, §2.)

7352-3. Secretary of State to keep record and index.—The Secretary of State shall keep a properly indexed record of the registration provided for by this Act, which record shall also show any altered or cancelled registration. (Act Apr. 17, 1933, c. 295, §3.)

7352-4. Not to register duplicates.—No registration shall be granted or alteration permitted to any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or any other society, organization or association, degree, branch, subordinate lodge or auxiliary thereof, having a name, badge, motto, button, decoration, charm, emblem, rosette, or other insignia, similar to, imitating, or so nearly resembling as to be calculated to deceive, any other name, badge, button, decoration, charm, emblem, rosette, or other insignia whatsoever, already registered pursuant to the provisions of this Act. (Act Apr. 17, 1933, c. 295, §4.)

7352-5. Secretary of State to issue certificates.—Upon granting registration as aforesaid, the Secretary of State shall issue his certificate to the petitioners, setting forth the fact of such registration. (Act Apr. 17, 1933, c. 295, §5.)

7352-6. Penalty for unlawful use of registered insignia.—Any person who shall wilfully wear, exhibit, display, print, or use, for any purpose, the badge,