

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions,
and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and
amendatory, and notes showing repeals, together with annotations from the
various courts, state and federal, and the opinions of the Attorney
General, construing the constitution, statutes, charters
and court rules of Minnesota together with digest
of all common law decisions.



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Distinction between guests, lodgers, and tenants as affecting offense of coercion. 22MinnLawRev1055.

10432. Injury to other property.

Cause of action, for damages arising out of breach of statute intended for benefit of plaintiff, against local brokerage association and one copartnership, held properly joined with action against second copartnership on its undertaking to account to plaintiff for stocks and moneys delivered by plaintiff to association in part payment of bucketed orders and delivered to second copartnership, on transfer of association's account from first copartnership, and received by second copartnership with full knowledge of the bucketing activities of association. Kaiser v. E., 200M545, 274NW680. See Dun. Dig. 3941.

Person hiring young man to put emery dust and waste in oil tank of automobile, resulting in damage, may be prosecuted under this section. Op. Atty. Gen., Mar. 4, 1933.

Throwing thistle seeds on neighbor's farm constitutes violation of this section. Op. Atty. Gen. (605a-18), Aug. 26, 1935.

Where aeroplane was taken without owner's consent and was wrecked when forced landing was made, no prosecution could be had for willful destruction of plane. Op. Atty. Gen. (494b-20), Aug. 23, 1937.

Injury to a fish screen erected on a dam with consent of county board by sportsmen organizations would constitute a violation of this statute. Op. Atty. Gen. (494a), June 1, 1938.

10433. Interfering with electrical apparatus.

Section is without application to action for death of house mover attempting to get house under wires. Fari-bault v. N., 183M514, 247NW630.

This statute was directed against a wilful or malicious tampering or interference, and in this respect term "wilful" denotes an evil or malice. Ekdahl v. M., 203M374, 281NW517. See Dun. Dig. 2410.

Boy fifteen years of age removing hasp on cable holding mast upon which was suspended street light, through mere curiosity was not guilty of negligence as a matter of law or of violation of this section. Id. See Dun. Dig. 2996.

A boy who ran to aid of another boy who had disconnected cable supporting street lamp following his cry for help was not guilty of contributory negligence where his object in touching cable was only for purpose of saving defendant's property from injury. Schorr v. M., 203M384, 281NW523. See Dun. Dig. 7025.

10437. Draining meandered lakes, etc.

Owner of private lake cannot construct and maintain a channel to a public lake if it injuriously affects the public lake. Op. Atty. Gen., Sept. 26, 1929.

This section was not repealed by §6602-68. Op. Atty. Gen. (273c-1), July 29, 1938.

Unauthorized drainage of meandered lakes is a violation of §10437 and may be subject of inquiry on order of commissioner under §6602-51, et seq. Id.

10441-1. Willful trespass a misdemeanor.—Every person who has no right of possession and who refuses to depart from and surrender possession of property when ordered to do so by the owner thereof and who thereafter wilfully continues to trespass upon said property shall be guilty of a misdemeanor, provided, however, that this Act shall not apply in any case where immediately prior thereto there existed between the owner and the person in possession the relationship of landlord and tenant, vendor and vendee, or mortgagor and mortgagee or their respective successors or assigns. (Act Apr. 21, 1939, c. 377.)

CHAPTER 102

Cruelty to Animals

10443. Overworking animals, etc.

Evidence held sufficient to support finding that horse's death resulted from starvation. State v. Maguire, 188M 627, 248NW216. See Dun. Dig. 279.

One in possession of horse under claim of lien is guilty if he permits it to starve to death. Id.

10444. Cruelty in transportation.

Prosecution must be for violation of statute and not "regulations" issued thereunder. Op. Atty. Gen. (293b-19), July 8, 1937.

10448. Poisoning animals.

Section is constitutional. State v. Eich, 204M134, 282 NW810.

Information charging that defendant unjustifiably exposed poison with intent that it should be taken by a dog held sufficiently definite to state an offense. Id. See Dun. Dig. 279.

One placing meat containing strychnine in a shed on his property for purpose of killing rats is not chargeable with death of a dog under this section, intent being necessary. Op. Atty. Gen. (494a-2), July 29, 1938.

10450. Animal with infectious disease.

Seller of infected hogs, held not entitled to directed verdict for price. 180M78, 230NW259.

CHAPTER 103

Miscellaneous Crimes

10453 to 10455-3. [Repealed.]

Repealed Mar. 19, 1937, c. 74, §25, post, §10455-28.

UNIFORM NARCOTIC DRUG ACT

This act was adopted by Alaska, Arizona, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wisconsin and Wyoming.

10455-4. Definitions.—The following words and phrases, as used in this act shall have the following meanings, unless the context otherwise requires:

(1) "Persons" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and for the purposes of this act only, any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.