

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.



Edited by
William H. Mason
Assisted by
The Publisher's Editorial Staff

MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1940

CHAPTER 54
Unclaimed Property

7306. Unclaimed money in court, how disposed of—Etc.

Where during bank holiday as a condition to continuing in business a bank reorganized and questionable securities were removed from assets and transferred to a trustee who made distribution but had on hand a substantial sum in unclaimed dividends, commissioner of banks had no official duty to perform in regard thereto, unclaimed dividends being in hands of a trustee appointed under a trust agreement and subject to supervision of district court under §8100, and not being subject to §7614, and not dormant or abandoned within meaning of §7658-21, the pertinent statute being §7306, requiring payment of unclaimed dividends into court for benefit of persons entitled thereto. Op. Atty. Gen. (29B-14), August 21, 1939.

COMMON LAW
DECISIONS RELATING TO CHAPTER
IN GENERAL

1. Lost property in general.

Automobiles abandoned on city street, owners being unknown, may be removed by city officials to a local garage for storage or safe keeping, and later be sold for storage charges under unclaimed property statute or motor vehicle storage lien statute. Op. Atty. Gen. (632a), Dec. 2, 1937.

Rights of finder and owner of locus in quo in lost personal property. 21MinnLawRev191.

CHAPTER 55

Hotels and Public Resorts

7312. Hotel and innkeepers to have safes.

Where a hotel accepted ring for delivery to a guest, a manufacturing jeweler who had long been one of its regular patrons, well known to the management, resulting bailment was for benefit of both bailor and bailee. Peet v. R., 191M151, 253NW546. See Dun. Dig. 732, 4511.

Guest having delivered a valuable ring to hotel, claim that no contract of bailment resulted because of hotel's ignorance of value of article was untenable. Id. See Dun. Dig. 728, 4511.

Section held not applicable to an action for loss of property by fire in a hotel room due to failure of defendant to exercise ordinary care in rescuing plaintiff and his property after fire started. Knutson v. F., 202M642, 279NW714. See Dun. Dig. 4511.

7313. Loss or injury to baggage.

Section held not applicable to an action for loss of property by fire in a hotel room due to failure of defendant to exercise ordinary care in rescuing plaintiff and his property after fire started. Knutson v. F., 202M642, 279NW714. See Dun. Dig. 4511.

7314. Liability of hotel and innkeeper.

Evidence held to sustain finding that innkeeper was guilty of negligence with respect to property of guest destroyed by fire. Knutson v. F., 202M642, 279NW714. See Dun. Dig. 4511.

Section held not applicable to an action for loss of property by fire in a hotel room due to failure of defendant to exercise ordinary care in rescuing plaintiff and his property after fire started. Id. See Dun. Dig. 4511.

In action by guest against innkeeper for loss of property in a fire, burden was upon defendant to show his freedom from negligence in causing loss and injury. Id. See Dun. Dig. 4511, 4513.

7316. Lien of inn keeper.

Proprietor of an apartment hotel, who prevented tenant from entering rooms, let by the week, for purpose of removing personal property, was not an innkeeper having a lien against property but was a landlord, and was guilty of coercion. State v. Bowman, 202M642, 279NW214. See Dun. Dig. 2648, 4514, 5361, 5382.

Right to lien upon baggage is not predicated on license. Op. Atty. Gen., Mar. 19, 1934.

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

7318. Violation a misdemeanor.

There is no law making registration at a hotel under assumed name a crime. Op. Atty. Gen. (494a), Aug. 3, 1934.

7321. Equal rights in hotels, etc.

A complaint, charging that the plaintiff, on entering a cafeteria for the purpose of being served food, was told that he was too dirty to be served and would have to get out, and was refused service, when in fact his clothing and person were clean, does not state a cause of action either for slander or for deprivation of any civil rights. Larson v. W., 183M28, 235NW393. See Dun. Dig. 4509.

CHAPTER 56

Auctioneers

7322. Licenses—Persons entitled to.—The county board or auditor may license any voter in its county, or any person from another state, as an auctioneer. Such license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. Before such license is issued the licensee shall pay into the county treasury a fee of ten dollars (\$10.00), provided, however, that for a nonresident the license fee shall be \$25.00. Provided, that any person may be licensed as an auctioneer for the purpose of making sales of purebred or grade livestock only upon the payment of the fee and the giving of the bond as above provided. Provided, further, that any person resident in an adjoining state which issues auctioneers' licenses to residents of Minnesota on the same basis as to the residents of such adjoining state, may be licensed as an auctioneer upon payment of the fee required there-

for in such adjoining state and giving an approval of a bond as provided in the next succeeding section. (As amended Apr. 21, 1937, c. 313, §1.)

An ordinance for regulating of auctions and auctioneers, imposing a minimum license fee of \$250, is so unreasonable as to be invalid. Orr v. C., 193M371, 258NW569. See Dun. Dig. 716, 6794.

Specific delegation to a municipal corporation of power, by ordinance, to license and regulate auctions and auctioneers does not include, by implication, power to prohibit an established retail jeweler from selling his own merchandise at auction. Id.

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.