

130278

1941 Supplement

To

Mason's Minnesota Statutes

1927

1939 to 1941

(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session 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 Law Review Articles and digest of all common law decisions.

Edited by
the
Publisher's
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MASON PUBLISHING CO.

SAINT PAUL, MINNESOTA

1941

must necessarily be had in Ramsey County. Op. Atty. Gen. (133B-43), Aug. 10, 1940.

10373. Intent to restore property.

In prosecution for larceny wherein it appeared that property was returned to owner voluntarily, it was proper to instruct that act of returning property did not wipe slate clean. State v. Eggermont, 288NW390. See Dun. Dig. 5487.

10376. Restoration of stolen property—Duty of officers.

Apparently stolen property coming into hands of bureau of criminal apprehension and unclaimed should be turned over to sheriff of county where taken, to be disposed of as unidentified stolen property. Op. Atty. Gen., (985), Jan. 15, 1940.

EXTORTION OR OPPRESSION

10378. Interfering with employee or membership in union.

The labor injunction in Minnesota. 24MinnLawRev757. The state legislature unionism. 38MichLawRev987.

FALSE PERSONATION, ETC.

10386. Obtaining signature by false pretenses.

In an information charging obtaining of signatures to mortgages and notes by false pretenses, it is not necessary to set out specific invoices and memoranda whereby signatures were obtained where false documents are described in general terms, defendant having right to demand a bill of particulars, unless documents are in his possession. State v. Gottwalt, 295NW67. See Dun. Dig. 3736.

Information charging obtaining of signatures to mortgages and notes by false pretenses held to sufficiently charge knowledge on part of defendant of falsity of documents used to obtain signatures and reliance of victims on false representations. Id.

An information charging that two mortgages and two notes were obtained by same false pretenses in one transaction, does not charge more than one offense though separate notes and mortgages bear different dates. Id.

A contractor securing from owner a real estate mortgage for an unpaid balance under building contract by means of false itemized statements of materials claimed to be used cannot be prosecuted for larceny but may be guilty of obtaining a signature to a written instrument by false pretenses. Op. Atty. Gen., (133B-45), Sept. 27, 1939.

10392. False statements as inducement to entering employment.

The state legislatures and unionism. 38MichLawRev 987.

10395. Selling or concealing mortgage chattels.

If mortgage could have been enforced by mortgagee or its assigns in a civil action, property was "mortgaged" within meaning of statute. State v. Rivers, 287NW790. See Dun. Dig. 1486.

Where Minnesota resident attended auction sale of cattle in Wisconsin and borrowed money there to pay purchase price, executing there a note and mortgage, held that note and mortgage were governed by usury statute of Wisconsin and not Minnesota, though mortgagee knew that cattle were to be taken to Minnesota and mortgage was filed there. Id. See Dun. Dig. 1540.

"Presumption of innocence" does not conflict with presumptions used to decide law to be adopted in judging whether mortgage involved is void because note secured thereby is usurious. Id. See Dun. Dig. 9993.

Complaint or indictment should not overlook element of "intent to place mortgaged personal property beyond the reach of the mortgagee". Op. Atty. Gen., (133B-59), Feb. 6, 1940.

MALICIOUS MISCHIEF—INJURIES TO PROPERTY

10419. Injuring highways; etc.

Where there are obstructions on a 4-rod township road established pursuant to §2590, county attorney may prosecute under §§2615 or 10419, but it may be more effective to bring injunction under §10241, in which action land owner may be restrained from interfering with township, or its agents, who are to widen the road. Op. Atty. Gen. (377a-5), Aug. 14, 1940.

10431. Coercion.

The labor injunction in Minnesota. 24MinnLawRev757. The state legislatures and unionism. 38MichLawRev 987.

10432. Injury to other property.

One removing buildings, fences, timber, etc., from lands forfeited to state for nonpayment of taxes may be prosecuted under this section. Op. Atty. Gen. (412a-24), June 6, 1940.

10440. Injury to buildings.

One removing buildings, fences, timber, etc., from lands forfeited to state for nonpayment of taxes may be prosecuted under this section. Op. Atty. Gen. (412a-24), June 6, 1940.

10441-1. Willful trespass a misdemeanor.

If a person has been notified to depart from property forfeited to state for non-payment of taxes, he may be prosecuted for willful trespass, for removal of buildings, fences, timber, etc. Op. Atty. Gen. (412a-24), June 6, 1940.

CHAPTER 103

Miscellaneous Crimes

10455-11. Application of act.—Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

Administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts.

The exemptions authorized by this section shall be subject to the following conditions:

(a) That the medicinal preparation administered, dispensed, or sold, shall contain in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone.

(b) That such preparation shall be administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold in compliance with the general provisions of this act.

(c) No person shall administer, dispense or sell, under the exemption of this section, any preparation included within this section, when he knows, or can by reasonable diligence ascertain, that such adminis-

tering, dispensing or selling will provide the person to whom or for whose use such preparation is administered, dispensed or sold, within any 48 consecutive hours, with more than six grains of codeine or any of its salts. (As amended Apr. 9, 1941, c. 157, §1.)

10463. Trusts and combinations in restraint of trade prohibited.

Anti-Trust Laws have been adopted in Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. (1940).

The labor injunction in Minnesota. 24MinnLawRev757. Monopolies—restraint of trade—price and production control through trade associations. 25MinnLawRev208.

10503. Indians located on reservations.

Indian rights and the federal courts. 24MinnLawRev 145.

10536-5. Visitors at tourist camps, etc., to register.

A group of 10 cabins on one 50-foot lot conducted as rental property where overnight guests or guests for 2 or 3 days or by week were registered and accommodated was a tourist camp and not a "place of residence" within meaning of building restriction, registers being kept as provided by this act. Cantieny v. B., 296NW491. See Dun. Dig. 2393.

10536-17 and 10536-18. [Repealed.]

Repealed. Laws 1941, c. 495.