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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.

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## CHAPTER 52

### Partition Fences

#### 7249. One barbed wire permitted with woven wire as a legal fence.

Latter part of section refers only to woven wire fences, but several definitions of a legal fence contained in first part of section do not limit obligation of sharing expense only in case of woven wire fences. Op. Atty. Gen. (631f), Sept. 27, 1940.

Owner of property bounded on one side by a lake, 2 sides by a woven wire fence, can force adjoining landowner to erect a woven wire fence on his half of com-

mon boundary without fencing along lake. Op. Atty. Gen. (631J), Feb. 24, 1941.

#### 7250. Occupants to maintain.

Land owner fencing farm on 3 sides with a 2-wire barb wire fence may compel adjoining owner to share in construction of a 3-wire barb wire fence on adjoining side. Op. Atty. Gen. (631f), Sept. 27, 1940.

School district owning a school house site and adjoining farmer come within general provisions of law, and department advises against barbed wire around school grounds. Op. Atty. Gen. (631L), Oct. 23, 1940.

## CHAPTER 53

### Estrays and Beasts Doing Damage

#### MISCHIEVOUS DOGS

#### 7284. Owners or keepers of dogs liable for damage done.

Owner of a dog was not liable where it voluntarily went upon property of another and jumped upon possessor, causing her to fall and to sustain person injuries, unless dog was vicious or had a propensity to cause such harm to owner's knowledge or notice. Olson v. P., 288 NW856. See Dun. Dig. 275.

#### RUNNING AT LARGE OF CERTAIN ANIMALS

#### 7295. Permitting to run at large unlawful.

Rule that owner of live stock is bound at his peril to keep them from straying on lands of others and is liable for such trespasses and any harm done to land possessor or members of his household without regard to negligence or scienter on his part, does not apply to dogs. Olson v. P., 288NW856. See Dun. Dig. 275.

#### 7297-1. County board to license dogs. [Repealed.]

Act does not apply to a county which has not adopted the same. Olson v. P., 288NW856. See Dun. Dig. 276.

#### 7297-41. County board to license dogs.

Owner of a dog was not liable where it voluntarily went upon property of another and jumped upon possessor, causing her to fall and to sustain person injuries, unless dog was vicious or had a propensity to cause such harm to owner's knowledge or notice. Olson v. P., 288 NW856. See Dun. Dig. 275.

County board may establish system immediately and charge a tax pro rata according to proportion of taxable year which remains after date of establishment. Op. Atty. Gen. (146d-2), March 11, 1940.

Upon filing of petition it is mandatory that county board establish system. Op. Atty. Gen. (146d-2), Feb. 28, 1941.

#### 7297-42. Dogs must have licenses.

County board may not prorated license fee according to time of year when system is made effective, but same result may be reached by setting license fee for first year at less amount than for subsequent years. Op. Atty. Gen. (146d-2), Feb. 28, 1941.

#### 7297-43. Assessor to list dogs—Kennels—Issuance of license.

Village assessor need not gather data mentioned in this section if system is not adopted. Op. Atty. Gen. (146a-2), Feb. 28, 1941.

#### 7297-49. May kill dogs in certain cases.

This section is effective even though county dog licensing system is not established. Op. Atty. Gen. (146a-2), Feb. 28, 1941.

## CHAPTER 54

### Unclaimed Property

#### COMMON LAW DECISIONS RELATING TO CHAPTER IN GENERAL

#### 2. Unclaimed stolen property.

Disposal of stolen and abandoned property by bureau of criminal apprehension. Laws 1941, c. 389.

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.

## CHAPTER 56

### Auctioneers

**7322. Licenses—Persons entitled to.**—The county board or auditor may license any voter in its county, 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 in to the county treasury a fee of (\$10.00). 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 therefor in such adjoining state and giving an approval of a bond as provided in Mason's Minnesota Statutes of 1927, Section 7323. (As amended Act Apr. 10, 1941, c. 170, §1.)

An auctioneer residing in and licensed in Wisconsin is permitting to secure a license in Minnesota for purpose of making sales at auction of property other than livestock, but must pay license fee of \$25.00. Op. Atty. Gen. (16c), Oct. 12, 1939.