

MINNESOTA STATUTES 1953 ANNOTATIONS

623.25 UNLAWFUL BUSINESS PRACTICES

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bringing together the seller and a prospective purchaser ready, willing, and able to purchase on the terms stipulated in the agreement between the seller and the broker. A seller cannot relieve himself of the liability to pay this commission by offering to sell on terms more favorable to the prospective purchaser, thereby obviating any necessity for discussing the terms stipulated. Evidence of seller's conduct in the instant case showed that he did not consider the contract between himself and the broker terminated. *Dahlgren v Olson*, 228 M 379, 37 NW(2d) 438.

623.25 GIFT ENTERPRISES, MERCHANDISE PREMIUMS

A number of merchants in a community buy from a promoter a quantity of what is called "auction money." This money is distributed by the merchants to customers in proportion to what they buy. Once every week for eight weeks, on a night certain, a bicycle is auctioned off to the person in a theater who will bid the most auction money for the bicycle. Admission to the theater is by tickets purchased at the box office. The bicycle is provided by the promoter. This scheme is not a lottery but it is an unlawful gift enterprise. OAG March 9, 1950 (510-B-5).

An advertising scheme is not a lottery where each person entering a place of business receives a ticket without charge, keeps the ticket and places the stub in a barrel, and he may win a prize other than food, liquor, or cash upon the drawing from the barrel. OAG April 22, 1948 (519-B-9).

It is not a lottery for owner of store to give away a prize to the holder of the winning tickets where no consideration is paid for the ticket. OAG April 22, 1948 (510-B-9).

As the plan proposed is merely a trade stimulator and no consideration is paid for the chance, and the proposed scheme is not a "gift enterprise" as defined in section 623.25 or "gambling" within the meaning of the anti-lottery statutes, and the scheme is for the purpose of destroying competition as prohibited by section 325.04, the operation of the proposed plan does not constitute a violation of any state law. OAG Feb. 15, 1949 (510-B-9).

A scheme whereby the promoter gives five tickets to anyone calling at his place of business and a prize is awarded to the holder of the lucky number is not a lottery if the tickets are distributed free to everyone, provided that the act is not unlawful as a gift enterprise and further provided that the scheme is not an advertisement for the purpose of effecting an injury upon a competitor or destroying competition. OAG Aug. 14, 1950 (510-B-9).

The game of "Spin-O" is not a lottery. It is not an unlawful gift enterprise. Whether it is unfair competition under section 325.04 is a question of fact. OAG Feb. 21, 1951 (510-B-9).

Where individual merchants donate items of merchandise to operators of a ball park and each person who purchases a ticket for entrance to a ball game receives a stub with a number, and winners at the drawing receive the merchandise, such arrangement constitutes a lottery. OAG Aug. 10, 1953 (510-C-5).

CRIMINAL PROCEDURE

CHAPTER 625

PREVENTION OF CRIME

625.01 CONSERVATORS OF THE PEACE

"Conviction" means the establishment or ascertainment of guilt prior to and independently of judgment or sentence, and includes a plea of guilty as well as finding of guilt by a jury. In its technical, legal sense it means the final consummation of

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PREVENTION OF CRIME 625.16

prosecution against an accused, including judgment or sentence rendered pursuant to a verdict, confession, or plea of guilty. *Bubar v Dizdar*, M, 60 NW(2d) 77.

625.05 RECOGNIZANCE TO KEEP THE PEACE

HISTORY. RS 1851 c 112 s 6, 7; PS 1858 c 101 s 6, 7; GS 1866 c 104 s 6; GS 1878 c 104 s 6; GS 1894 s 7096; RL 1905 s 5211; GS 1913 s 9048.

625.06 PARTY COMMITTED, WHEN

HISTORY. RS 1851 c 112 s 8; PS 1858 c 101 s 8; GS 1866 c 104 s 7; GS 1878 c 104 s 7; GS 1894 s 7097; RL 1905 s 5212; GS 1913 s 9049.

A grocery store and restaurant proprietor may compel a person, even though a customer, to stay off of his premises if the customer makes himself objectionable. OAG Nov. 27, 1951 (605-B).

625.07 DISCHARGE; COMPLAINANT LIABLE FOR COSTS, WHEN

HISTORY. RS 1851 c 112 s 9; PS 1858 c 101 s 9; GS 1866 c 104 s 8; GS 1878 c 104 s 8; GS 1894 s 7098; RL 1905 s 5213; GS 1913 s 9050.

625.08 COSTS

HISTORY. RS 1851 c 112 s 10; PS 1858 c 101 s 10; GS 1866 c 104 s 9; GS 1878 c 104 s 9; GS 1894 s 7099; RL 1905 s 5214; GS 1913 s 9051.

625.09 APPEAL

HISTORY. RS 1851 c 112 s 11; PS 1858 c 101 s 11; GS 1866 c 104 s 10; GS 1878 c 104 s 10; GS 1894 s 7100; RL 1905 s 5215; GS 1913 s 9052.

625.10 WITNESSES TO RECOGNIZE

HISTORY. RS 1851 c 112 s 12; PS 1858 c 101 s 12; GS 1866 c 104 s 11; GS 1878 c 104 s 11; GS 1894 s 7101; RL 1905 s 5216; GS 1913 s 9053.

625.11 PROCEEDINGS ON APPEAL

HISTORY. RS 1851 c 112 s 13; PS 1858 c 101 s 13; GS 1866 c 104 s 12; GS 1878 c 104 s 12; GS 1894 s 7102; RL 1905 s 5217; GS 1913 s 9054.

625.12 FAILURE TO PROSECUTE APPEAL

HISTORY. RS 1851 c 112 s 14; PS 1858 c 101 s 14; GS 1866 c 104 s 13; GS 1878 c 104 s 13; GS 1894 s 7103; RL 1905 s 5218; GS 1913 s 9055.

625.13 DISCHARGE ON GIVING SECURITY

HISTORY. RS 1851 c 112 s 15; PS 1858 c 101 s 15; GS 1866 c 104 s 14; GS 1878 c 104 s 14; GS 1894 s 7104; RL 1905 s 5219; GS 1913 s 9056.

625.14 RECOGNIZANCE TRANSMITTED TO DISTRICT COURT

HISTORY. RS 1851 c 112 s 16; PS 1858 c 101 s 16; GS 1866 c 104 s 15; GS 1878 c 104 s 15; GS 1894 s 7105; RL 1905 s 5220; GS 1913 s 9057.

625.15 RECOGNIZANCE WITHOUT PROCESS, WHEN

HISTORY. RS 1851 c 112 s 17; PS 1858 c 101 s 17; GS 1866 c 104 s 16; GS 1878 c 104 s 16; GS 1894 s 7106; RL 1905 s 5221; GS 1913 s 9058.

625.16 CARRYING DANGEROUS WEAPONS

HISTORY. RS 1851 c 112 s 18; PS 1858 c 101 s 18; GS 1866 c 104 s 17; GS 1878 c 104 s 17; GS 1894 s 7107; RL 1905 s 5222; GS 1913 s 9059.

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625.17 PREVENTION OF CRIME

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625.17 JUDGMENT ON RECOGNIZANCE REMITTED, WHEN

HISTORY. RS 1851 c 112 s 19; PS 1858 c 101 s 19; GS 1866 c 104 s 18; GS 1878 c 104 s 18; GS 1894 s 7108; RL 1905 s 5223; GS 1913 s 9060.

625.18 SURRENDER OF PRINCIPAL; NEW RECOGNIZANCE

HISTORY. RS 1851 c 112 s 20; PS 1858 c 101 s 20; GS 1866 c 104 s 19; GS 1878 c 104 s 19; GS 1894 s 7109; RL 1905 s 5224; GS 1913 s 9061.

CHAPTER 626

INVESTIGATION, APPREHENSION, RECORDS

SEARCH WARRANTS

626.01 SEARCH WARRANTS, WHEN ISSUED

Consent of an accused to a search of his premises operates as a waiver of the right to assert that search was unreasonable and, under such circumstances, there is no need of a search warrant. *City of St. Paul v Stovall*, 225 M 309, 30 NW(2d) 638.

626.03 SEARCH WARRANTS; TO WHOM DIRECTED; CONTENTS

Members of the bureau of criminal apprehension have the same power of arrest as is conferred upon sheriffs, but have no power to execute a search warrant. OAG Oct. 13, 1949 (985).

626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL

Admissibility of evidence obtained by unreasonable searches and seizures. 35 MLR 457.

Consent of accused to search of his premises operates as a waiver of right to assert that search was unreasonable and, under such circumstances, there is no need of a search warrant. *City of St. Paul v Stowell*, 225 M 309, 30 NW(2d) 638.

626.05 Renumbered 628.41.

626.06 Renumbered 628.42.

626.07 Renumbered 628.43.

626.08 Renumbered 628.44.

626.09 Renumbered 628.45.

626.10 Renumbered 628.46.

626.11 Renumbered 628.47.

626.12 Renumbered 628.48.

626.13 Renumbered 628.49.

626.14 Renumbered 628.50.

626.15 Renumbered 628.51.