

1938 Supplement
To
Mason's Minnesota Statutes
1927

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

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 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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possession and from selling and distributing the same for medicinal purposes only; nor shall anything herein contained prohibit a wholesale dealer of drugs from having in his or its possession, and from selling and distributing, Cannabis, or any compound, salt, derivative, or mixture thereof, provided that such sale and distribution shall be made to duly licensed pharmacists only. (Act Apr. 29, 1935, c. 321, §1.)

Saved from repeal by §10455-28.

10278-2b. Violation a gross misdemeanor.—Any person who shall violate any provision hereof shall be guilty of a gross misdemeanor and upon conviction shall be punished as follows: for the first offense, by a fine not exceeding \$1,000.00, or by imprisonment for not exceeding one year, or by both such fine and imprisonment, and for any subsequent offense, by imprisonment for not less than one year. (Act Apr. 29, 1935, c. 321, §3.)

10278-2c. Who may enforce act.—Sheriffs, constables, and other police officers shall enforce the provisions of this act with or without the cooperation of the Department of Agriculture, Dairy and Food, and the Departments of Health of Cities of the First Class. (Act Apr. 29, 1935, c. 321, §4.)

Sec. 5 of Act Apr. 29, 1935, cited, provides that the act shall take effect from its passage.

10278-3. Definitions.—A public bathing beach as the term is used in this act, shall be taken to mean any public land, road or highway adjoining public waters, which have been or may be used for bathing or swimming, or any privately owned place which the public is permitted to frequent or use for bathing. (Act Apr. 21, 1933, c. 364, §1.)

10278-4. Unlawful to bathe at public beaches at certain times.—In all counties which now have or shall hereafter have a population of 450,000 or more, it shall be unlawful for any person to frequent a public bathing beach or public waters upon which the same

immediately borders for the purpose of swimming or bathing, or congregating with others, or to swim or bathe or congregate thereat, between the hours of 10:30 p. m. and 5:00 a. m. of the day following. (Act Apr. 21, 1933, c. 364, §2.)

10278-5. Ordinances to regulate beaches.—The governing bodies or boards of all counties having a population of more than 450,000, and all cities, villages and towns situated within such counties, shall have authority by ordinance, resolution or by-law, to regulate the use of public bathing beaches and public waters immediately bordering thereon for the purpose of bathing or swimming or congregating with the others thereat, within their respective territorial limits not inconsistent herewith. (Act Apr. 21, 1933, c. 364, §3.)

10278-6. May close beaches.—If any such body or board shall reasonably determine that the safety, health, morals or general welfare of the public shall so require, it may by ordinance, resolution or by-law, provide that any such public bathing beach shall be closed to bathing, swimming and congregating after the hour of 9:00 p. m. or after any time between 9:00 p. m. and 10:30 p. m. of any day. (Act Apr. 21, 1933, c. 364, §4.)

10278-7. Act not restrictive.—Nothing in this act shall limit or abrogate any of the existing powers of any body or governing board of any county, city, village or town. (Act Apr. 21, 1933, c. 364, §5.)

10278-8. Provisions separable.—If any part or section of this act shall be held to be invalid, it shall not invalidate any of the other provisions hereof. (Act Apr. 21, 1933, c. 364, §6.)

10278-9. Violation a misdemeanor.—Any person violating any of the provisions hereof shall be guilty of a misdemeanor. (Act Apr. 21, 1933, c. 364, §7.)

CHAPTER 100

Crimes Against The Public Peace

10279. Disturbing meetings—Disorderly conduct. Person picketing residence of foreman of an employer whose employees were on strike, carrying a banner, "A scab lives here" constituted disorderly conduct under city ordinance. State v. Perry, 196M481, 265NW302. See Dun. Dig. 2751a.

Conviction of disorderly conduct held sustained by evidence of attempt to pick up girls. State v. Eirdseye, 198M231, 269NW459. See Dun. Dig. 2751a.

10280. "Riot" defined.

Strutwear Knitting Co. v. O., (USDC-Minn), 13FSupp 384.

10281. Riot, how punished.

Strutwear Knitting Co. v. O., (USDC-Minn), 13FSupp 384.

10282. Unlawful assembly.

Strutwear Knitting Co. v. O., (USDC-Minn), 13FSupp 384.

10283. Remaining after warning.

Strutwear Knitting Co. v. O., (USDC-Minn), 13FSupp 384.

10285. Combination to resist process.

Strutwear Knitting Co. v. O., (USDC-Minn), 13FSupp 384.

10286. Prize fighting—Aiding—Betting or stakeholding.

Repealed by Act Jan. 28, 1933, c. 7, §17, effective May 1, 1933, so far as inconsistent with the repealing act (§§3260-1 to 3260-18).

Since the enactment of Laws 1915, c. 363, contract for management of prize fighter is not illegal. Safo v. L., 184M336, 238NW641.

10287. Fight out of the state.

Safo v. L., 184M336, 238NW641; note under §10286.

10288. Apprehension of person about to fight—Bail, etc.

Safo v. L., 184M336, 238NW641; note under §10286.

10289. Forcible entry and detainer.

One moving back day following his removal under writ of restitution and using seed and grain belonging to owner is not guilty of trespass but may be prosecuted for larceny and also for unlawful entry. Op. Atty. Gen. (494b-20), Nov. 26, 1934.

10290. Aiming or discharging firearms, etc.

Strutwear Knitting Co. v. O., (USDC-Minn), 13FSupp 384.

A landlord who shot windows out of house with shot gun for sole purpose of forcing tenants to move, without intent to hit anyone, could be prosecuted under this section, but would not be guilty of assault. Op. Atty. Gen. (494b-4), Aug. 29, 1934.

10291. Use of firearms by minors.

A father who furnished him with the pistol cannot be held liable for an accidental shooting by his son, in the absence of evidence that, because of youth, mental deficiency, recklessness, or other cause, it was unsafe to intrust the son with the weapon, and that the father was chargeable with knowledge of that fact. Clarine v. A., 182M310, 234NW295. See Dun. Dig. 4466, 10200.

Since a minor under fourteen can hunt protected game only on home premises of his parent or guardian, he can have a bag limit of game only if it was taken on such premises. Op. Atty. Gen. (209g), Sept. 19, 1934.