

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 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 Law Review Articles and digest of all common law decisions.

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Permitting temporary obstruction in street to aid war work. Op. Atty. Gen. (396c-3), Dec. 28, 1942.

10249. Gasoline, benzine and kerosene cans. [Repealed.]

Repealed. Laws 1941, c. 495.

10255. Deadly weapons.

There is no provision in law providing for a permit to be issued to an individual for purpose of carrying a pistol or revolver, and any informal permit obtained from local sheriff or chief of police has no legal effect other than to aid in overcoming presumption created by this statute. Op. Atty. Gen., (201a-2), Oct. 16, 1939.

Section does not prohibit a person from carrying a concealed weapon, but places upon him burden of proving that he is carrying it for a lawful purpose. Id.

Statute does not prohibit carrying a concealed weapon, but places upon person burden of proving that he is carrying it for a lawful purpose. Op. Atty. Gen., (201a-2), Feb. 15, 1940.

10256. Selling to minors.

Enforcement of act is not a function or duty of division of game and fish or its employees. Op. Atty. Gen. (201a-8), Mar. 18, 1943.

10258. Blank cartridge firearms, certain firecrackers; etc., prohibited.

Sale or use of fireworks, except for supervised public displays, is unlawful. Laws 1941, c. 125.

No person shall manufacture, possess, or deal in explosives without a license. Laws 1941, c. 474.

10263. Failure to ring bell, etc.

Violation of this section could not have been a contributory proximate cause of injury to a passenger who ran into 19th car of train at crossing. Krause v. C., 207M 175, 290NW294. See Dun. Dig. 8197.

Testimony of a passenger in a crowded Ford that he did not hear crossing whistle sounded or locomotive bell rung, it not appearing that such passenger was listening for sounds, or that windows of Ford were open, or that he heard rumbling of freight train running at 25 miles an hour at any moment prior to Ford's collision with 19th car from front, is of no probative value as against positive testimony of several witnesses in a position to know that whistle was sounded and bell rung. Id. See Dun. Dig. 8175.

Slight negative testimony did not overcome the positive affirmative testimony that requisite train signals by bell or whistle were sounded. Engberg v. G., 290NW579. See Dun. Dig. 8175.

Statutory signals for trains approaching a highway crossing are solely for benefit of travelers on highway to warn them of approaching trains, and are immaterial where train is actually upon and occupying crossing when traveler arrives. Rhine v. Duluth, M. & I. R. Ry. Co., 210M281, 297NW852. See Dun. Dig. 8175.

10269-1. Throwing or scattering garbage; etc.

No by-law is needed to prosecute an offense against the statute, and it is therefore unnecessary to determine whether town board or town meeting constitutes the "governing body" of a township. Op. Atty. Gen. (477b-14), May 8, 1942.

CHAPTER 100

Crimes Against The Public Peace

10279. Disturbing meetings—disorderly conduct.

Conviction of disorderly conduct was sustained by evidence of indecent exposure. State v. Mitchell, 207M55, 290NW222. See Dun. Dig. 2751.

CHAPTER 101

Crimes Against Property

10304. Misappropriation, etc., by county treasurer.

A member of village council may not lawfully act as manager of a municipal liquor store, and council is under no obligation to appoint a bookkeeper, and if village recorder is willing to do the work, there is no reason for appointment of any one else, and raising salary of recorder by reason thereof would not constitute violation of law forbidding public officers from being interested in contract. Op. Atty. Gen., (470g), Jan. 15, 1941.

10305. Officer interested in contract.—Every public officer who shall be authorized to sell or lease any property, to make any contract in his official capacity, or to take part in making any such sale, lease, or contract, and every employe of such officer, who shall voluntarily become interested individually in such sale, lease, or contract, directly or indirectly, shall be guilty of a gross misdemeanor; provided, however, that any village or city council, town board, or school board, of any town, village or city of the fourth class, otherwise having authority to designate depository for village, city, town or school district funds, of any town, village or city of the fourth class, may designate a bank in which a member of such board is interested as a depository for village, city, town or school funds of any town, village or city of the fourth class by a two-thirds vote of such board. Provided, further, that any school board is hereby authorized and permitted to contract with co-operative associations in which one or more members of such council or board is a share or stockholder, but not an officer or manager thereof, if such contract is authorized by the unanimous vote of the entire council or board. (As amended Act Apr. 15, 1941, c. 228, §1.)

Possession or sale of any article, material or merchandise by state agencies, officers or employees of the state is unlawful. Laws 1941, c. 58.

Fraud in obtaining approval by depositors of plan for reorganization of a bank. Rien v. Cooper, 211M517, 1NW (2d)847; note under §7690-17. See Dun. Dig. 8028.

Laws 1931, chapter 212, amending this section, is unconstitutional and designation of bank as a depository of which school district board member is an officer is a complete nullity and does not protect school treasurer. Op. Atty. Gen., (90c-2), Oct. 3, 1939.

Member of village council taking part in issuing relief orders violates this section by honoring them at his store, though he charges wholesale price and receives no profit. Op. Atty. Gen., (90a), Oct. 27, 1939.

City cannot enter into a contract with a cooperative society in which councilman is a stockholder, and member of board of directors. Op. Atty. Gen., (90e), Jan. 15, 1940.

Employee of Rural Electrification Association receiving straight salary may be elected to office of city councilman, though city and association are parties to a contract. Op. Atty. Gen., (90e), March 18, 1940.

City treasurer as agent for fire insurance company would violate section by renewing old policy. Op. Atty. Gen., (90c-3), March 19, 1940.

Clerk of an independent school district cannot act as agent for insurance company selling insurance to the district. Op. Atty. Gen. (90c-5), July 12, 1940.

It is not legal for husband of schoolboard member acting as cashier of a local bank to sell insurance to school, though commission goes directly to bank, where cashier draws a salary and as a stockholder participates in dividends at bank and husband supports family. Op. Atty. Gen. (90-C-5), July 30, 1940.

Member of city commission employed at part time work in publishing concern owned by his father does not violate the section if his salary does not depend upon contract between city and publishing concern. Op. Atty. Gen. (90E-5), Aug. 5, 1940.

This section is not applicable in the matter of employment by county commissioners of coroner to examine indigent persons for purposes of hospitalization, but such employment is prohibited by §990. Op. Atty. Gen. (103-E), Aug. 9, 1940.

Member of South St. Paul Sewage Disposal Plant Commission cannot enter into contract with commission for purchase of supplies from his store. Op. Atty. Gen. (90e-5), Aug. 21, 1940.