

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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Statute making a violation of traffic laws prima facie evidence of negligence only instead of conclusive evidence thereof does not prevent court from passing upon compelling force of evidence in an appropriate case. *Id.*

A boy 20 years of age approaching a grade railroad crossing in a dense fog at 30 miles per hour was guilty of contributory negligence as a matter of law. *Id.* See *Dun. Dig.* 4167e.

CHAPTER 13A

Vessels Navigating Lakes and Rivers

MOTOR BOATS

2740-1. Definition.

Inspection by state boiler inspectors is required in case of motor boat used exclusively for towing row boats which are occupied by a pilot and persons fishing or outing on inland lakes. *Op. Atty. Gen.* (34g-2), Apr. 24, 1942.

CHAPTER 14

Education

2741. Public schools—Tuition free—Age of pupils. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-12(1).

Where voters of school district voted to exclude children of orphan home from school, and school board acted thereon, board was proper party defendant in action in mandamus to compel admission of children to school. *State v. School Board of Consol. School Dist. No. 3*, 206 M63, 287NW625. See *Dun. Dig.* 8660.

Word "resides" is used in broad sense of being an inhabitant as distinguished from more restricted sense of domicile, and children of proper age inhabiting an orphan home in a school district are entitled to free education therein. *Id.* See *Dun. Dig.* 8660.

School board, having refused resident children of proper age admission to its school, is a proper party to mandamus proceedings to enforce rights of children to free education. *Id.* See *Dun. Dig.* 8698.

British refugee children have privilege of attending public schools free of tuition in district where they are residing. *Op. Atty. Gen.* (180-G), July 24, 1940.

2742. School districts. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(1).

2743. Formation of districts. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(5).

2744. Petition. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(6).

2745. Notice of hearing. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(7).

2746. Proceedings on hearing. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(8).

2747. Appeal from order. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided in repealing act. Reenacted as 3156-3(32).

2748. Changing boundaries of school districts. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided in repealing act. Reenacted as 3156-3(9); 3156-3(10); 3156-3(11); 3156-3(12).

Land detached from one district and added to another is not subject to any levy for general expenses in old district from that time on, but is subject to such levy as is necessary to retire principal and interest of outstanding bonds, and conversely should be exempt from levy for debt or bonds of new district existing prior to change, but is liable for levy for general expenses and maintenance. *Op. Atty. Gen.*, (166c-5), Nov. 14, 1939.

Bonds are an obligation upon all of land which was in school district at time bonds were issued, and land detached from one district and attached to another is not subject to tax to meet bonds issued by district to which attached before it became a part of such district. *Op. Atty. Gen.*, (166d-5), Jan. 11, 1940.

The fact that Duluth school district is coterminous with city limits, and fact that Duluth is a special district and has many special laws governing the same,

would not invalidate proceedings to set off territory from city of Duluth to the Proctor school district, but county commissioners in acting on a petition could consider all of special laws in considering effect on welfare of that district, granting of petition resting in discretion and best judgment of county board. *Op. Atty. Gen.* (166c-9), May 31, 1940.

Lands under water, highways and tax forfeited lands are not to be excluded in computing four sections of land. *Op. Atty. Gen.* (166c-2), July 8, 1940.

It is impossible for any territory to become a part of school district for Minneapolis without being annexed to that city for all purposes. *Op. Atty. Gen.* (59a-42), Oct. 10, 1940.

County board has no authority to change boundaries of 2 adjoining school districts without application or petition from freeholders or individual landowners affected, since they are mutual obligation of school boards of two districts and without vote of people. *Op. Atty. Gen.* (166d-8), Feb. 18, 1941.

2748-1. Platted territory annexed to and included in corporate limits; etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided in repealing act.

2750. Districts in two or more counties. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(14).

2753. Dissolution of school districts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(28). Last sentence. Reenacted as 3156-4(42) in part.

2754. Procedure for consolidation of school district. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(18); 3156-3(19).

2755. Certain districts to receive aid as consolidated districts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(24) in part and 3156-9(7) subd. 1 in part.

2756. Petition for formation; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(20); 3156-3(21).

2757. Liability of common school district. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(21); 3156-3(22); 3156-3(23).

2758. Consolidation of districts having an area of one square mile; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(21) in part and 3156-3(23) in part.

2759. Consolidation with unorganized districts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(21) in part.

2760. Certificate of officers. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(23) in part.