

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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checks, tokens or slugs unless they shall be either five per cent larger or five per cent smaller in diameter than any lawful coin of the United States. (Act Apr. 9, 1941, c. 132, §2.) [620.244]

3976-88. Knowledge and reason to believe—Proof.—In a trial of a defendant for violation of the provisions of this act, knowledge or reason to believe, within the meaning of this act, shall be deemed to exist upon the presentation of proof to the court that any county attorney, sheriff, or chief of police in the state, or a deputy or delegate of such officer, has given written notice to the defendant that tokens, checks or slugs of the kind manufactured, sold, offered for sale, advertised for sale or distributed by him are being used in substitution for lawful coin in the operation of any such coin receptacle or machine, provided that such notice shall have been given prior to the time of the manufacture, sale, offering for sale, advertising for sale or distribution of such tokens, checks or slugs for which the defendant is being tried. (Act Apr. 9, 1941, c. 132, §3.) [620.245]

3976-89. Offense.—Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 9, 1941, c. 132, §4.) [620.246]

FUEL DELIVERY TICKETS

3976-90.—Delivery tickets to accompany each delivery of fuel.—No person, firm or corporation shall deliver any domestic heating fuel without such delivery being accompanied by a delivery ticket, on which shall be distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, the net quantity or quantities of fuel contained in the cart, wagon, vehicle or compartment thereof, bag, sack or container used in such deliveries when sold by weight; or the number of gallons or cubic feet that is being delivered when sold by measure, with the name of the purchaser thereof and the name of the dealer from whom purchased. The delivery ticket shall also clearly state the name, type, kind and grade of fuel being delivered. When the buyer carries away the purchase, a delivery ticket showing the actual amount delivered to the purchaser must be given to the purchaser at the time the sale is made.

Sales of wood for fuel direct from producer to consumer shall be exempt from the provisions of this act. This act shall not apply to deliveries in quantities of ten gallons or less. (Act Apr. 7, 1943, c. 328, §1.) [325.149]

3976-91. Violation a misdemeanor.—Whoever shall violate any provision of this act shall be guilty of a misdemeanor. (Act Apr. 7, 1943, c. 328, §2.) [325.149]

CHAPTER 21AA

Regulation of Motion Pictures

PREAMBLE:

WHEREAS, the motion picture industry is made up of three branches, namely, production, distribution and exhibition; and

WHEREAS, the production and distribution branches are dominated and controlled by eight major companies with great economic power and exhibition is accomplished through two classes of theatre owners, namely, those wholly owned or affiliated with the producer-distributors and the independent exhibitors; and

WHEREAS, the major producer-distributors, license, lease and distribute substantially all of the feature motion pictures exhibited in the state of Minnesota and the other states of the Union; and the needs of the independent exhibitor requires that he license or lease feature motion pictures from substantially all the major producer-distributors; and

WHEREAS, by reason of arbitrary terms and conditions imposed by the producer-distributors, the independent exhibitor has been:

(a) compelled as a condition precedent to licensing feature motion pictures, to also license short subjects, newsreels, trailers, serials, re-issues, foreign and western pictures far in excess of his needs or requirements;

(b) unable to cancel feature motion pictures injurious and damaging to his business, and therefore compelled to play pictures offensive, on moral, religious or racial grounds, and undesirable and harmful to the public; and

WHEREAS, the long-established trade practice of licensing feature motion pictures for a full season (one year) is essential to the best interests of the producer-distributors, exhibitors, and the public; but the above conditions imposed by the producer-distributors have subjected the independent exhibitors to unfair disadvantages, preventing him from responding to the community and local public influence and preferences with respect to selection of desirable feature motion picture films and are inimicable to public welfare and against public policy; now, therefore,

Use of preambles or recitals 25 Minn. Law Rev. 924.

3976-101. Definitions.—For the purpose of this act, unless the context otherwise provides:

(a) the term "person" includes an individual, partnership, association, joint stock company, trust or corporation;

(b) the term "distributor" includes any person who engages or contracts to engage in the distribution of motion picture films and is a resident of or legally authorized to do business in this state;

(c) the term "exhibitor" includes any person who engages or contracts to engage in the exhibition of

motion picture films and is a resident of or legally authorized to do business in this state;

(d) the term "license" includes the offering, intending or making of a license agreement, contract, or any type of agreement whereby a film, the distribution of which is controlled by one of the parties is to be supplied to and exhibited in a theatre owned, controlled or operated by the other party;

(e) the term "feature motion picture film" means all motion pictures, whether copyrighted or uncopyrighted, including positive and negative prints and copies or reproductions of such prints, which films contain photoplays or other subjects and are produced for public exhibition. The term shall not include films commonly known as short subjects, newsreels, trailers, serials, re-issues, foreign and western pictures, and road shows;

(f) the term "exhibition season" shall mean a period of twelve months as may be selected by the producer-distributor, provided, however, that there shall be no lapse of time between the termination of one season and the beginning of the next. (Act Apr. 26, 1941, c. 460, §1.) [326.01]

3976-102. Feature picture films—Licenses to exhibit—Required provisions.—No distributor shall hereafter license feature motion picture films to an exhibitor to be exhibited, shown or performed in this state unless the license provides:

(a) that all the feature motion picture films, which such distributor will license during the exhibition season, or the unexpired portion thereof, shall be included. The term "all the feature motion picture films" shall apply to each producer for whom the distributor is acting;

(b) that the exhibitor shall have the right to cancel a minimum of 20 per cent of the total number of feature motion pictures included in such license where the exhibitor deems the same injurious and damaging to his business or offensive on moral, religious or racial grounds. Such cancellation shall be made proportionately among the several price brackets, if there

be such price brackets in the license agreement. Any number of cancellation to which an exhibitor is entitled may be made the lowest price bracket at the exhibitor's option.

The right to cancellation shall not be effective, unless the exhibitor exercises such right by giving notice thereof, to the distributor by registered mail, within 15 days after being notified of the availability of a feature motion picture. In determining the number of feature motion pictures that may be cancelled, fractions of one-half or more shall be counted as one and fractions of less than one-half shall not be counted. (Act Apr. 26, 1941, c. 460, §2.) [326.523]

3976-103. Same—Conditions of licenses.—No distributor shall license feature motion picture films to an exhibitor to be exhibited, shown or performed in this state, upon the condition that the exhibitor must also license short subjects, newsreels, trailers, serials, re-issue, foreign and western motion picture films. (Act Apr. 26, 1941, c. 460, §3.) [326.524]

3976-104. Same—Public policy.—Any provision of any license hereafter made and entered into which is contrary to any provisions of this act, is hereby declared to be against public policy and void. (Act Apr. 26, 1941, c. 460, §4.) [326.525]

3976-105. Violation of act.—Every person violating any provisions of this act, or assisting in such violation, shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, or, in default, of the payment of such fine, by imprisonment in the county jail for not more than one year. In the case of a corporation, the violation of this act shall be deemed to be also that of the individual directors, officers or agents of such corporation who have assisted in such violation, or who have authorized, ordered or done the acts or omissions constituting, in whole or in part, such violation, and upon conviction thereof, any such directors, officers or agents shall be punished by fine or imprisonment, as in this section provided. (Act Apr. 26, 1941, c. 460, §5.) [326.53]

3976-106. Separability clause.—If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby. (Act Apr. 26, 1941, c. 460, §6.)

3976-107. Application of act.—The provisions of this act shall not apply to the licensing of motion picture films to any school, college, university, church, or any educational, fraternal, or religious organizations in this state. (Act Apr. 26, 1941, c. 460, §7.) [326.526]

CHAPTER 21B

Regulation of Sale of Stocks, Bonds and Other Securities, Etc.

3996-1. Definitions.—When used in this act, the following words shall have the following respective meanings, unless the context otherwise requires:

(1) "Person" shall mean and include a natural person, firm, co-partnership, association, syndicate, joint stock company, unincorporated company or organization or association, trust, trustee of a trust, a corporation organized under the laws of any state or of the United States or of any territory or possession thereof or of the District of Columbia or of any foreign government. The term "trust" as here-in used shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or a public charitable trust.

(2) "Sale," "sell" or "sold" shall mean and include any disposition for value, an offer to sell, a solicitation of a subscription or sale, or an attempt to sell in any manner whatsoever, an option of sale, a subscription, a pre-organization subscription or certificate, a re-organization subscription or certificate, an agreement to issue or transfer, an exchange, pledge, hypothecation or any transfer in trust or otherwise by way of mortgage. Any security given or delivered as a bonus with any sale of securities, as such sale is herein defined, or with any other thing, shall be conclusively presumed to constitute a part of the subject of such sale and to have been sold for value. Provided, however, that the sale of a security under conditions which entitle the purchaser or subsequent holder to exchange the same for, or to purchase, some other security shall not be deemed a sale or offer for sale of such other security; but no exchange for or purchase of such other security shall ever be made unless and until the sale thereof shall have been first authorized in Minnesota by registration under this act, or by exemption therefrom, or by other provisions of law.

(3) "Security" shall mean and include any stock, share, bond, note, debenture, commercial paper, evidence of indebtedness, investment contract. Interest in or under a profit-sharing or participating agree-

ment or scheme, or beneficial interest in a trust or pretended trust. Any interest in any security shall be deemed a security.

(4) "Broker" shall mean and include every person, who engages, or professes to engage, either for all or part of his time, directly or through an agent, in the business of accepting and executing buy and sell orders for securities of which he is not the issuer or owner.

(5) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any securities.

(6) "Agent" shall mean and include every person, other than a broker or dealer, employed, appointed, or authorized by an issuer, dealer, broker or owner to sell securities. The term "agent" shall not include the partners of a partnership or officers of a corporation or association licensed as a broker, or dealer, or for whom securities are registered; provided that the term "officers" as used in this paragraph shall not include the directors of a corporation.

(7) "Commission" shall mean the commission supervising and controlling the department of commerce of the state of Minnesota under Chapter 426, Laws 1925, but subject to all the provisions thereof relating to the powers and duties of the commissioner of securities as successor of the state securities commission. Wherever necessary to give effect to such provision, the term "commission" as used in this act may be construed as meaning or including such commissioner of securities under said Chapter 426, Laws 1925. Said commission, for the purposes of this act, shall be known as the commerce commission. "Commissioner" as used in this act shall mean the commissioner of securities of the department of commerce.

(8) "Investor" as used in this act shall mean and include any person (as above defined) to whom any security (as above defined) is sold or offered for sale (as above defined) or who purchases or acquires or attempts to purchase or acquire any such security.