

1934 Supplement

To

Mason's Minnesota Statutes

1927

(1927 to 1934)
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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CITER- DIGEST CO.
SAINT PAUL, MINNESOTA.
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(c) The date when each license tag is issued and the serial number of such tag.

(d) The amount of all fees, licenses and penalties, and costs and fines paid to him.

(e) Such other data as the law may require. (Act Apr. 21, 1931, c. 295, §25.)

7297-26. Auditor to prepare forms.—All forms for blanks, records, books and tags, including proper columns in the assessor's books in which to note the ownership of dogs, shall be prepared by the auditor. All such blanks, books, tags and supplies shall be furnished by the county and paid for out of the indemnity fund. (Act Apr. 21, 1931, c. 295, §26.)

7297-27. Peace officers may kill dogs.—It shall be lawful for peace officers within their respective jurisdictions, to kill any dog for which a license is required, when such dog is not wearing a collar with a license tag showing license then to be in effect, attached to such collar as herein provided. (Act Apr. 21, 1931, c. 295, §27.)

7297-28. Dogs may be killed—when.—It shall be lawful for any person to kill a dog, although licensed and wearing a collar with license tag attached, when such dog is caught in the act of worrying, chasing or injuring sheep or other livestock, including poultry. (Act Apr. 21, 1931, c. 295, §28.)

7297-29. Owner to be liable.—The owner of any dog, whether licensed or not, shall be liable to the party injured for all damages done by such dog, except when the party damaged is doing an unlawful act directly contributing to said injury. This section shall not apply to any damage done by a dog affected with hydrophobia unless the owner of such dog has reasonable ground to know that such dog was afflicted with said malady and by reasonable effort might have prevented the injury. (Act Apr. 21, 1931, c. 295, §29.)

Board cannot make statute retroactive so as to authorize payment for damage or injury to livestock occurring prior to adoption of appropriate resolution. Op. Atty. Gen., May 15, 1931.

7297-30. Claims for damages may be filed.—Any person damaged by the killing or injury of his livestock, including poultry by wolves or by dogs not owned by said person, may within ten days, from the time he or his agent has knowledge of such killing or injury, and not thereafter, file with the county auditor in which such killing or injury occurred a claim for such damage. (Act Apr. 21, 1931, c. 295, §30.)

7297-31. Claims to contain detailed statement.—Such claims for damage shall state the amount of the damage and shall contain a detailed statement of the facts attending the killing or injury and be verified [Sic] by affidavit of at least two disinterested persons not related to claimant. (Act Apr. 21, 1931, c. 295, §31.)

7297-32. Claims to be presented to county board.—The county auditor shall present such claim to the County Board which shall act thereon within a reasonable time, and allow such part thereof as it may deem just, but not exceeding 80% of the actual loss or damage sustained. When a claim is allowed, the value of each animal or fowl killed or injured shall be entered of record. (Act Apr. 21, 1931, c. 295, §32.)

Claims may not be accepted and paid out of fund after board has abandoned provisions of act. Op. Atty. Gen., Mar. 15, 1933.

7297-33. Warrants in payment of claims.—Warrants in payment of claims shall be issued payable January 1st following their issuance and not before, and to be paid out of the livestock indemnity fund. (Act Apr. 21, 1931, c. 295, §33.)

7297-34. Auditor to certify amount to treasurer.—The auditor shall, prior to the first Monday in January, of each year, certify to the treasurer an itemized list of all warrants issued during the preceding year on said indemnity fund, except warrants issued to pay the fees of assessors, and compensation of the county auditor and the necessary cost of publication. If said fund is sufficient in amount, the treasurer shall pay said warrants on presentation, but if it is insufficient in amount to pay all warrants in full, then he shall pro rata the same, as compared and certified by the county auditor, and pay only the pro rata share thereof. (Act Apr. 21, 1931, c. 295, §34.)

7297-35. County board to transfer excess to revenue fund.—When the balance in said indemnity fund, after payment of all warrants issued in any one year, exceeds the sum of \$500.00, the county board may by resolution direct and order the excess thereof transferred to the general revenue fund of the county. If the amount in the indemnity fund is insufficient in any one year to pay all duly allowed claims and the other items properly payable out of said fund as hereinbefore provided, the county board shall transfer from said general revenue fund an amount, not exceeding the amount previously transferred thereto from said indemnity fund, sufficient funds to pay the unpaid balance of said warrants. (Act Apr. 21, 1931, c. 295, §35.)

Upon abandonment of act by board fund may be transferred to general revenue fund. Op. Atty. Gen., Mar. 15, 1933.

7297-36. Provisions separable.—In the event that any section, provision or part of this act shall be declared unconstitutional, it shall not in any way affect any other section, provision or part thereof. (Act Apr. 21, 1931, c. 295, §36.)

7297-37. Act supplemental.—This act is supplemental to all other laws relating to dogs, and to all laws relating to taxation of dogs as personal property, and shall not be construed as to modify, repeal or in any wise affect any part or provision of any such laws nor so as to prevent municipalities from prohibiting or licensing or regulating the running at large of dogs within their respective limits as by law or ordinance now or hereafter provided. (Act Apr. 21, 1931, c. 295, §37.)

7297-38. County board authorized to pay claims for death or injury to live stock in certain cases.—The Board of County Commissioners of any county in this state, where said county adopted Laws 1931, Chapter 295, licensing dogs, and later discontinued the same and transferred the money in the livestock indemnity fund provided for in said chapter to the general revenue fund of such county, shall have the authority to pay any claims arising by reason of the death or injury of livestock during the time that such law was in force in said county, or thereafter, from the general revenue fund in the proportion authorized by Laws of 1931, Chapter 295, Section 32 [7297-32], provided that such claims are presented to said board by January 1, 1934. (Act Apr. 15, 1933, c. 265.)

CHAPTER 55

Hotels and Public Resorts

7321. Equal rights in hotels, etc.

A complaint, charging that the plaintiff, on entering a cafeteria for the purpose of being served food, was told that he was too dirty to be served and would have

to get out, and was refused service, when in fact his clothing and person were clean, does not state a cause of action either for slander or for deprivation of any civil rights. *Larson v. W.*, 183M28, 235NW393. See *Dun. Dig.* 4509.