

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.



Edited by

WILLIAM H. MASON, Editor-in-Chief
W. H. MASON, JR.
R. O. MASON
J. S. O'BRIEN
H. STANLEY HANSON
R. O. MASON, JR. } Assistant Editors

MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1938

fund, in the proportion authorized by the Laws of 1931, Chapter 295, Section 32 [§7297-32], provided that such claims are presented to said board prior to January 1st, 1936. (Act Apr. 24, 1935, c. 243, §1.)

7297-40. Limitation in amount of payments.—No claims shall be paid by said county board pursuant

to this act which will exceed the total sum transferred from the livestock indemnity fund to the general revenue fund after deducting therefrom the amount of claims theretofore paid by such county under the provisions of this act or any heretofore existing law. (Act Apr. 24, 1935, c. 243, §2.)

CHAPTER 54

Unclaimed Property

COMMON LAW DECISIONS RELATING TO CHAPTER IN GENERAL

1. Lost property in general.

Rights of finder and owner of locus in quo in lost personal property. 21MinnLawRev191.

CHAPTER 55

Hotels and Public Resorts

7312. Hotel and innkeepers to have safes.

Where a hotel accepted ring for delivery to a guest, a manufacturing jeweler who had long been one of its regular patrons, well known to the management, resulting bailment was for benefit of both bailor and bailee. *Peet v. R.*, 191M151, 253NW546. See Dun, Dig. 732, 4511.

Guest having delivered a valuable ring to hotel, claim that no contract of bailment resulted because of hotel's ignorance of value of article was untenable. *Id.* See Dun, Dig. 728, 4511.

7316. Lien of inn keeper.

Right to lien upon baggage is not predicated on license. *Op. Atty. Gen.*, Mar. 19, 1934.

7318. Violation a misdemeanor.

There is no law making registration at a hotel under assumed name a crime. *Op. Atty. Gen.* (494a), Aug. 3, 1934.

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.

CHAPTER 56

Auctioneers

7322. Licenses—Persons entitled to.—The county board or auditor may license any voter in its county, or any person from another state, as an auctioneer. Such license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. Before such license is issued the licensee shall pay into the county treasury a fee of ten dollars (\$10.00), provided, however, that for a nonresident the license fee shall be \$25.00. Provided, that any person may be licensed as an auctioneer for the purpose of making sales of pure-bred or grade livestock only upon the payment of the fee and the giving of the bond as above provided. Provided, further, that any person resident in an adjoining state which issues auctioneers' licenses to residents of Minnesota on the same basis as to the residents of such adjoining state, may be licensed as an auctioneer upon payment of the fee required therefor in such adjoining state and giving an approval of a bond as provided in the next succeeding section. (As amended Apr. 21, 1937, c. 313, §1.)

An ordinance for regulating of auctions and auctioneers, imposing a minimum license fee of \$250, is so unreasonable as to be invalid. *Orr v. C.*, 193M371, 258NW 569. See Dun, Dig. 716, 6794.

Specific delegation to a municipal corporation of power, by ordinance, to license and regulate auctions and auc-

tionneers does not include, by implication, power to prohibit an established retail jeweler from selling his own merchandise at auction. *Id.*

Any person may be licensed as an auctioneer to make sales of livestock without regard to his residence. *Op. Atty. Gen.*, Dec. 10, 1929.

Minnesota cannot license a resident of Iowa. *Op. Atty. Gen.*, Feb. 27, 1931.

Non-residents from an adjoining state which does not issue auctioneers' licenses to residents of this state on the same basis as to residents of such adjoining state cannot be licensed to conduct auction sales of goods other than live stock. *Op. Atty. Gen.*, Feb. 3, 1932.

The holder of a void auctioneer's license could not rely upon such license as a defense to a criminal action. *Op. Atty. Gen.*, Feb. 3, 1932.

Resident of Iowa is not entitled to a license in this state. *Op. Atty. Gen.* (16c), Dec. 31, 1935.

License held by Iowa resident in this state being void, it would constitute defense to criminal prosecution. *Id.*

Resident of another state may be licensed in any county to conduct sales of pure bred and grade livestock upon paying fee and putting up bonds. *Op. Atty. Gen.* (16c), Mar. 8, 1937.

A nonresident auctioneer cannot legally be teamed up with Minnesota licensed auctioneer and conduct sales as agent of Minnesota licensee under his license. *Id.*

License may cover both pure bred and grade livestock. *Id.*

Reciprocal and retaliatory legislation. 21MinnLawRev 371.

7327. Unlicensed sales.

Owner of goods may not sell them at auction without license. *Op. Atty. Gen.*, Oct. 5, 1929.

CHAPTER 56A

Hawkers, Peddlers, and Transient Merchants

HAWKERS AND PEDDLERS

7328. Engaging in business without license, etc.

Op. Atty. Gen., June 5, 1933; note under §4367.
A salesman representing a wholesaler dealing exclusively with retail merchants and not consumers is not a "peddler." *Op. Atty. Gen.*, July 2, 1930.

One holding a wholesale produce dealer's license is not thereby relieved from the necessity of taking out a peddler's license. *Op. Atty. Gen.*, Mar. 12, 1931.

Persons who sell to dealers only are not peddlers. *Op. Atty. Gen.*, July 8, 1933.

7332. Right of municipalities, etc., to regulate.

Ordinances regulating hawkers and peddlers and solicitors must be reasonable and not prohibitory. *Op. Atty. Gen.* (477b-21), Sept. 30, 1935.

A municipality may ordain that practice of peddlers and solicitors in going upon private premises and homes and soliciting orders without an invitation by occupants thereof is a nuisance. *Op. Atty. Gen.* (477b-21), Oct. 16, 1935.

A municipality may prescribe reasonable conditions as to time when, places where, and manner in which right of farmer to sell product may be exercised, so long as no