

# MASON'S MINNESOTA STATUTES

1927

---

PUBLISHED UNDER THE TERMS OF THE CONTRACT MADE BY THE  
STATUTE COMPILATION COMMISSION FOR THE PUBLICATION OF  
THE GENERAL STATUTES OF 1923

EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-  
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT  
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED  
BY THE SUBSEQUENT LEGISLATION OF 1925  
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES  
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE  
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

COMPILED AND EDITED BY THE EDITORIAL STAFF OF THE  
CITER-DIGEST COMPANY

WILLIAM H. MASON,  
Editor in Chief.  
MARTIN S. CHANDLER,  
RICHARD O. MASON,  
Assistant Editors.

---

Citer-Digest Company  
St. Paul  
1927

CHAPTER 54

UNCLAIMED PROPERTY

Duty of consignee or bailee .....	7298
Sale of property—Notice .....	7299
Proceedings if property not claimed .....	7300
Inventory by justice .....	7301
Notice and return of sale .....	7302
Disposition of proceeds .....	7303
Money deposited, how disposed of .....	7304
Fees of justices and constables .....	7305
Unclaimed money in court, how disposed of—Pay- ment to state treasurer—Escheat .....	7306
Unclaimed baggage, etc.—Delivery to warehouse- man .....	7307
Storage liens .....	7308
Sale—Notice .....	7309
Sale Proceeds .....	7310
Warehouseman's bond .....	7311

7298. **Duty of consignee or bailee**—Whenever any personal property shall be consigned to or deposited with any forwarding merchant, wharfinger, warehouseman, innkeeper, or storage or express company, such consignee or bailee shall immediately cause to be entered in a proper book kept by him a description of such property, with the date of its reception; and if not consigned or deposited for the purpose of being forwarded according to directions received by such consignee or bailee at or before the reception thereof, he shall immediately notify the owner by mail, if his name and residence be known or can be reasonably ascertained. (2797) [6066]

7299. **Sale of property—Notice**—If any such property be not claimed or taken away within one year after its reception, it may be sold upon sixty days' notice; and, if perishable or subject to decay by keeping, it may be sold, if not taken away within thirty days, upon ten days' notice; and if it be in a state of decay, or manifestly liable to decay, it may be summarily sold by order of a justice of the peace or any judge of the municipal court, after inspection, without notice. When not sold summarily, notice shall be given to the owner personally or by mail; but if the name of the owner be not known, and cannot with reasonable diligence be ascertained, published notice for the periods aforesaid shall be given. (2798) [6067]

7300. **Proceedings if property not claimed**—If the owner or person entitled to such property shall not take the same away and pay the charges thereon, after notice as aforesaid shall have been given, the person having possession thereof, his agent or attorney, shall make and deliver to a justice of the peace of the same or an adjoining town or to the judge of any municipal court an affidavit, setting forth a description of the property, the date of its reception, the giving of the notice, and whether the owner is known or unknown. (2799) [6068]

7301. **Inventory by justice**—Upon the delivery to him of such affidavit, the justice or judge shall cause the property to be opened and examined in his presence, and a true inventory thereof made, and shall annex to such inventory an order, under his hand, that the property therein described be sold at public auction, by any constable or police officer of the town where the same shall be. (2800) [6069]

7302. **Notice and return of sale**—Said constable or police officer receiving such inventory and order shall sell such property at public auction to the highest bidder, in the manner provided by law for constables'

sales under execution upon ten days' posted notice. When the sale is completed he shall indorse upon the order aforesaid a return of his proceedings thereon, and return the same to the justice or clerk of said municipal court, together with the inventory and the proceeds of the sale, less his fees. (2801) [6070]

7303. **Disposition of proceeds**—From the proceeds of such sale the justice or clerk of said municipal court shall pay all legal charges incurred in relation to the property, or, if the proceeds are not sufficient to pay all the charges, a ratable proportion of each, and the balance, if any, he shall immediately pay to the county treasurer of the county where such sale took place and deliver a statement therewith, containing a description of the property sold, the gross amount of the sale, and the amount of costs, charges, and expenses paid to each person. The treasurer shall file such statement in his office, and make an entry of the amount received by him and the time when received. (2802) [6071]

7304. **Money deposited, how disposed of**—If the owner of the property sold, or his legal representatives, at any time within five years after such money is deposited in the county treasury, shall furnish satisfactory evidence to the treasurer of the ownership thereof, the treasurer shall pay to him the amount so deposited. If not so claimed within the time aforesaid, the money shall belong to the county, and be credited to its general revenue fund. (2803) [6072]

7305. **Fees of justices and constables**—For services performed under the provisions of this chapter, justices of the peace or clerks of municipal courts shall be allowed one dollar for each day, and constables the same fees as are allowed by law for sales upon execution, and ten cents per folio for making an inventory of the property. (2804) [6073]

7306. **Unclaimed money in court, how disposed of—Payment to state treasurer—Escheat**—In every case where money heretofore has been paid or hereafter shall be paid into any court or to the officer of any court in the state of Minnesota under any statute or order of court for the benefit of or to be paid to any person or persons, and the same shall not have been paid over to the person entitled thereto within five years after the date on which such person is entitled to receive the same it shall be the duty of the clerk or other officer of the court having charge of such money immediately to pay the same into the state treasury. The person entitled thereto or his successor in the right may apply to the court in which such money was deposited at any time within twenty years from the time the money is so paid into the state treasury for an order for the payment of the money to him, and upon the court being satisfied that the party making such application is the person entitled to the money or successor to his right the court shall make an order for the payment of such money to the applicant; and the treasurer upon presentation of a duly certified copy of such order shall pay the same to the person named in said order as entitled to receive the same. In case any money so paid to the treasurer shall not so be claimed by the person entitled thereto within such twenty years it shall escheat to the state. ('09 c. 420 § 1) [6074]

**7307. Unclaimed baggage, etc.—Delivery to warehouseman—**Personal baggage remaining in the possession of any carrier of passengers for thirty days after having been carried to the station of such carrier in performance of his contract in relation thereto, and any other property remaining in the possession of any common carrier, at the office or station of such carrier to which consigned, for sixty days after notice given by mail to the consignee thereof, may be delivered by such carrier, upon payment of his reasonable charges for the transportation and storage thereof, to any licensed storage company doing business in this state. (2805) [6075]

Cited (115-116, 131+1075).  
124-530, 144+1134.

**7308. Storage liens—**Any storage company receiving such property shall provide suitable storage therefor, and shall have a lien thereon for all charges paid the carrier, and for its reasonable charges for handling, storing, insuring, and safely keeping such property, with interest. (2806) [6076]

**7309. Sale—Notice—**If such property is not claimed by the owner or his agent within twelve months after its receipt by such storage company, it may be sold by such company at public auction. Before making sale three weeks' published and posted notice thereof, describing the property and specifying the time and

place of sale, shall be given. The publication of such notice shall also be made in a newspaper published at the county seat of the county where the sale is to be made, and a copy thereof shall be mailed to the owner, if his address is known, or, with reasonable diligence, can be ascertained. (2807) [6077]  
124-530, 144+1134.

**7310. Sale—Proceeds—**The proceeds of such sale shall be applied to the payment of the charges of such storage company and the expenses of sale, and any surplus shall be at once paid to the county treasurer, with a statement as hereinbefore prescribed, and be disposed of as so provided. (2808) [6078]

**7311. Warehouseman's bond—**Before any warehouseman or storage company shall be entitled to the benefit of the provisions of this chapter, such warehouseman or storage company shall give bond to the state, to be approved by the governor, in the sum of ten thousand dollars, conditioned for the faithful performance of all duties enjoined upon the obligor under this chapter, which bond shall be for the use of any party interested, and shall be filed in the office of the clerk of the district court of the county where the business of such warehouseman is conducted. (2809) [6079]

'19 c. 396 relates to stolen and unclaimed property in cities over 50,000 and not governed by a home rule charter. See §§ 1613-1, 1613-2, herein.

CHAPTER 55

HOTELS AND PUBLIC RESORTS

Hotel and innkeepers to have safes .....	7312
Loss or injury to baggage .....	7313
Liability of hotel and innkeeper .....	7314
Loss or injury to other receptacles and apparel..	7315
Lien of innkeeper .....	7316
Retention of baggage .....	7317
Violation a misdemeanor .....	7318
Proof of fraud .....	7319
Certain sections repealed .....	7320
Equal rights in hotels, etc. ....	7321

**7312. Hotel and innkeepers to have safes—**No inn or hotel keeper who has constantly in his or its inn or hotel a metal safe or suitable vault in good order and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railway mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts and suitable fastenings on the transoms and windows of said rooms, and who keeps a copy of this section, printed in distinct type, constantly and conspicuously posted in the office and on the inside of the entrance door of every bedroom and to every parlor and other public room in the building, shall be liable for the loss of or injury to property suffered by any guest unless such guest has offered to deliver the same to such innkeeper or hotel keeper for custody in such metal safe or vault, and such innkeeper or hotel keeper has omitted or refused to take the same and deposit it in such safe or vault for custody and to give such guest a receipt therefor. Provided, however, that the keeper of any such inn or hotel shall not be liable for the loss, destruction or injury of or to any property hereinbefore described for more than the sum of three hundred dollars (\$300) unless the same shall be lost, destroyed or injured

through theft or negligence of such innkeeper or hotel keeper. Provided further, that no keeper of any inn or hotel shall be required to accept for safe keeping as aforesaid property in excess of the value of five hundred (\$500) dollars unless such acceptance thereof is in writing. ('19 c. 511 § 1, amended '21 c. 479 § 1)

**7313. Loss or injury to baggage—**For the loss of or injury to the kind of baggage or property enumerated in this section, when actually delivered to the hotel proprietor or inn keeper for safe keeping elsewhere than in the room assigned to such guest the hotel proprietor or inn keeper shall not be liable unless such hotel proprietor or inn keeper shall have given the guest a check or receipt therefor to evidence such delivery; and when so received and checked the liability shall be limited to the following amounts:

- \$150 for each trunk and its contents.
- \$50 for each valise or traveling case and its contents.
- \$10 for each box, parcel, package and its contents.
- \$50 for wearing apparel.

Provided, that if any such property of a guest when not so delivered for safe keeping shall be lost or injured in such hotel or inn through the negligence of such hotel proprietor or inn keeper, such hotel proprietor or inn keeper shall be liable for the actual value thereof. ('19 c. 511 § 2)

**7314. Liability of hotel and innkeeper—**The liability of the keeper of a hotel or inn for loss, injury or damage to the personal property of a guest of the character described in § 7313, while contained in the room assigned to such guest, shall be that of a bailee for hire and such liability shall not exceed for any one guest on account of such property the sum of five hun-