

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

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



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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.)

§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.)

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.*, 235NW393. See *Dun. Dig.* 4509.

CHAPTER 56

Auctioneers

§7322. Licenses—Persons entitled to.

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.

§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.

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 li-

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

TRANSIENT MERCHANTS

§7337. Engaging in business without license.

175M374, 221NW428.

CHAPTER 56C

Newspapers

§7352-11. Newspapers to register statement of ownership—exceptions.—Every newspaper printed or published within the State of Minnesota excepting legally qualified newspapers shall register in the office of the register of deeds, a statement of the owners, printers and publishers of said paper, and the residence of each, and if the same shall be published by a corporation, the names and residences of the president, secretary and editors thereof. (Act Apr. 21, 1931, c. 293, §1.)

§7352-12. Register of deeds to provide book.—The register shall provide a suitable book in which to register the names as herein provided and shall charge therefor a fee of fifty cents. (Act Apr. 21, 1931, c. 293, §2.)

§7352-13. Shall not publish paper unless registered.—No newspaper excepting a legally qualified newspaper shall be printed or published within the State of Minnesota without the names of the owners, publishers and edi-

tors thereof stated and set forth in said newspaper. (Act Apr. 21, 1931, c. 293, § 3.)

§7352-14. Violation a gross misdemeanor.—In the event of any newspaper falling to file and register as provided for in Section 1 of this act, the party printing or publishing the same shall be guilty of a gross misdemeanor. (Act Apr. 21, 1931, c. 293, § 4.)

§7352-15. Court to determine ownership.—In the event of the publication of any newspaper within the State of Minnesota without the names of the owners and publishers thereof fully set forth in said newspaper, circular or publication, the court or the jury may determine such ownership and publisher on evidence of the general or local reputation of that fact and opinion evidence may be offered

and considered by the court or jury in any case arising in connection with the ownership, printing or publishing of any such publication or of any article published therein either in a criminal action for libel by reason of such publication or in any civil action based thereon. (Act Apr. 21, 1931, c. 293, § 5.)

§7352-16. Definition.—By the term “newspaper” as expressed herein, shall be included any newspaper, circular or any other publication whether issued regularly or intermittently by the same parties or by parties, one of whom has been associated with one or more publication of such newspaper or circular, whether the name of the publication be the same or different. (Act Apr. 21, 1931, c. 293, § 6.)

CHAPTER 57A Partnership

PART II.

NATURE OF A PARTNERSHIP

§7389. Partnership defined.

Joint ownership of land does not create a partnership or make the owners joint adventurers. *Pratt v. M.*, 234NW464. See *Dun. Dig.* 7346, 7350, 4948b.

The evidence is not conclusive that there was a partnership between one of the defendants and a corporation now defunct. *Mahlberg v. J.*, 235 NW280. See *Dun. Dig.* 2092, 7346.

§7390. Rules for determining the existence of a partnership.

One selling diamonds, held not shown to have been the partner of the owner. 180M447, 231NW 408.

PART III.

RELATIONS OF PARTNERS TO PERSONS DEALING WITH THE PARTNERSHIP

§7392. Partner agent of partnership.

Where a partnership is a party to a contract, the acts of one member thereof bind the partnership. 174M297, 219NW180.

PART IV.

RELATIONS OF PARTNERS TO ONE ANOTHER

§7404. Partner accountable as fiduciary.

Rule that parties negotiating for organization of a partnership or joint adventure deal at arm's length cannot be extended so as to permit a secret share in the profits to be made by an agent in the transaction. 175M226, 220NW 822.

Accounting by surviving partner to representative of deceased partner. 181M156, 231NW916.

PART V.

PROPERTY RIGHTS OF A PARTNER

§7408. Nature of a partner's right in specific partnership property.

Subd. (2)(c).

Bond to release garnishment, reciting that there is a stated sum of money in the possession of the garnishee, held to estop the principal and sureties from denying that there was any garnishable property in the hands of the garnishee. 181M404, 232NW631. See *Dun. Dig.* 3375.

PART VI.

DISSOLUTION AND WINDING UP

§7412. Dissolution defined.

Where money was loaned to partnership and subsequently one partner sold his interest to another partner, the selling partner was liable in action on note renewed after sale of his interest without knowledge on the part of the lender of such transfer of interest. 171M332, 214 NW51.

§7418. Power of partner to bind partnership.

Where money was loaned to a partnership and defendant partner thereafter sold his interest to another partner, defendant was liable on a renewal of the loan note after the transfer, plaintiff having no notice of the transfer of interest. 171M332, 214NW51.

§7423. Rules for distribution.

Where a partner contributes more than his share of a partnership funds, he is not entitled to interest on the excess, in the absence of an agreement to that effect. 177M602, 225NW924.

CHAPTER 58 Corporations

GENERAL PROVISIONS

§7429. Existing corporations continued.

Where a corporation was organized under

Laws 1876, c. 28, with perpetual succession, it maintained that succession, notwithstanding the repeal by §10963 of the law under which it was organized, in view of the provisions of this section. *Op. Atty. Gen.*, May 3, 1930.