

1936 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1936)  
(Superseding Mason's 1931 and 1934 Supplements)

Containing the text of the acts of the 1929, 1931, 1933 and 1935 General Sessions, and the 1933-34 and 1935-36 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.



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shall lend or transfer or offer to lend or transfer any such written consent or certified copy thereof to another person who is not entitled to use the same, and any person not entitled to use any such written consent or certified copy thereof who shall use any such written consent or certified copy thereof, or who shall borrow, receive, or solicit from another any such written consent or certified copy thereof, shall be guilty of a gross misdemeanor, and punished accordingly. ('27, c. 10, §2; Apr. 22, 1929, c. 285, §2.)

**10422-5. Certain acts to be misdemeanor.**—Every person who shall willfully place or deposit, or cause to be placed or deposited, or who aids or abets or who conspires to aid or abet in the placing or depositing in, upon, under, against, or near to any building, car, vessel, or structure any foul, offensive or injurious substance or compound, or any gas, fluid or substance injurious to life or property, or any noxious or offensive gas, fluid or substance, with intent to wrongfully injure, molest or coerce another, or to injure the property or person of another, or to molest another in the use, management, conduct or control of his business or property; shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punish-

able by a fine of not more than One Thousand Dollars or by imprisonment in the county jail for not more than one year. (Act Mar. 24, 1931, c. 86, §1.)

**10431. Coercion.**

To sustain an action for damages on the ground of coercion there must be some wrongful or unlawful act, acts or conduct sufficient to constrain the plaintiff against his will. 174M535, 219NW908.

A threat to shoot an officer if he takes property under replevin papers is a misdemeanor under this section and officer to whom threat is made may arrest without a warrant. 177M307, 225NW148.

Statutory costs denied respondents for failure of brief to comply with paragraph 3. 177M222, 225NW85.

**10432. Injury to other property.**

Person hiring young man to put emery dust and waste in oil tank of automobile, resulting in damage, may be prosecuted under this section. Op. Atty. Gen., Mar. 4, 1933.

**10433. Interfering with electrical apparatus.**

Section is without application to action for death of house mover attempting to get house under wires. Faribault v. N., 188M514, 247NW680.

**10437. Draining meandered lakes, etc.**

Owner of private lake cannot construct and maintain a channel to a public lake if it injuriously affects the public lake. Op. Atty. Gen., Sept. 26, 1929.

## CHAPTER 102

### Cruelty to Animals

**10443. Overworking animals, etc.**

Evidence held sufficient to support finding that horse's death resulted from starvation. State v. Maguire, 188M 627, 248NW216. See Dun. Dig. 279.

One in possession of horse under claim of lien is guilty if he permits it to starve to death. Id.

**10450. Animal with infectious disease.**

Seller of infected hogs, held not entitled to directed verdict for price. 180M78, 230NW259.

## CHAPTER 103

### Miscellaneous Crimes

**10463. Trusts and combinations in restraint of trade prohibited.**

A patent pooling agreement held not an unlawful attempt to restrain trade. 181M606, 233NW870. See Dun. Dig. 8437.

Contract which restrained trade and limited competition in a reasonable way only, was not obnoxious to the statute. Pittsburgh Plate Glass Co. v. P., 182M368, 234 NW453. See Dun. Dig. 8436(1).

Contracts should be so construed as to uphold rather than defeat them. Pittsburgh Plate Glass Co. v. P., 182 M368, 234NW453. See Dun. Dig. 8434(92).

A creamery corporation may not enter into an agreement with cooperative marketing association to fix the price of milk, but such a contract may be entered into by one cooperative marketing association with other cooperative associations. Op. Atty. Gen. (93a-14), Sept. 15, 1934.

**10493. Gift enterprises defined.**

It is not a gift enterprise to enclose a penny sucker within the paraffin wrapper of loaves of bread where the same kind and value is included with each loaf. Op. Atty. Gen., Jan. 9, 1932.

**10497. Gift enterprise defined.**

Contest held not the sort of gift enterprise defined in this section. 173M337, 217NW345.

**10503. Indians located on reservations.**

Tribal Indians are immune from arrest or prosecution under state laws for acts committed upon their reservations or allotments. Op. Atty. Gen., Dec. 2, 1931.

Though it may be unlawful for Indian to take wild animals on allotment, a tribal Indian is not personally amenable to state criminal laws. Op. Atty. Gen., Apr. 11, 1933.

Muskrats' skins taken by tribal Indian on allotment may be seized as contraband where not intended to be used on reservation by Indian or his tribe. Id.

**10520. Fraudulently presenting claims, etc.**

If one presents a claim against a town for bounties on gophers and crows which he did not kill within the

town, he violates this section. Op. Atty. Gen., Mar. 18, 1931.

**10522-1. Conservation of certain wild flowers.**—

No person within the State of Minnesota shall buy, sell, offer or expose for sale, the state flower (Cypripedium reginae) or any species of lady slipper (Cypripedieae) or any member of the orchid family trillium of any species, lotus (Nelumbolutea), gentian (Gentiana), arbutus (Epigaea repens), or any species of lilies (Lilium), or any thereof, dug, cut, plucked, pulled or gather in any manner whatsoever from any public land, or from the land of any private owner without the written consent of such owner or other occupant of such land, and then only upon written permission of the Commissioner of Agriculture, Dairy and Food, and for scientific and herbarium purposes. Except that any persons may upon their own lands cultivate for sale and sell said flowers by registering the purpose to do the same with the Commissioner. ('25, c. 409, §1; Apr. 1, 1935, c. 100, §1.)

Transplanting moccasin flowers from marshes to home flower garden is not violation of this section, but might afford cause of action for damages. Op. Atty. Gen., June 12, 1930.

There is no other legislation pertaining to picking of wild flowers. Op. Atty. Gen., May 9, 1933.

**10522-2. Same—Prosecution.**—The Commissioner

of Agriculture, Dairy and Food is hereby authorized and it shall be his duty to administer this law, and when, by investigation, complaint or otherwise, it shall be made to appear that any person has violated any of the provisions of this act, it shall be his duty to assemble the facts and transmit the same to the Attorney General, or in the discretion of the Commissioner, he may act through the County Attorney of the county in which said violation was committed,