

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.



Edited by

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

MASON PUBLISHING CO.  
SAINT PAUL, MINNESOTA  
1936

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.)

**7297-39. Claims for death or injury to livestock.**—The county board of county commissioners of any county in this state, where said county adopted Laws of 1931, Chapter 295 [§§7297-1 to 7297-38], licensing dogs, and later discontinued the same, and trans-

ferred the money from the livestock indemnity fund, provided for that purpose, to the general revenue fund of such county, shall have 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 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 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. *Pect 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.

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 auctioneers 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.

#### 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.

Validity of municipal legislation imposing a tax on solicitation of orders for future delivery. 18MinnLaw Rev475.

#### TRANSIENT MERCHANTS

#### 7337. Engaging in business without license.

175M374, 221NW428.

#### 7338. License, how applied for and issued—Fees.

A transient merchant who has obtained a license in compliance with city ordinance is also compelled to obtain a license from county auditor under this section. *Op. Atty. Gen.*, Oct. 6, 1932.

#### 7340. Transient merchant defined.

A farmer who buys products from other farmers in the vicinity and sells them must take out a peddlers' license. *Op. Atty. Gen.*, Oct. 14, 1931.

A farmer who occupies a stand on a public highway and sells the products of his garden and also products which he does not raise is a transient merchant who must have a license. *Op. Atty. Gen.*, Oct. 23, 1931.

City of Pipestone has authority to regulate "transient merchants" but not "transient dealers." *Op. Atty. Gen.*, Oct. 9, 1933.

A dry cleaner and dyer having a place of business in some other city and soliciting in neighboring towns is not a hawker, peddler or a transient merchant. *Op. Atty. Gen.* (477b-8), Apr. 25, 1935.

One who shipped furniture in car load lots to a local merchant for purpose of sale by the merchant at public auction is a transient merchant required to have a license if he does not part with title to the merchandise and no bona fide contract is made that would in any way bind local merchant to take goods. *Op. Atty. Gen.* (477b-21), May 16, 1935.

#### 7342. Not applicable to certain sales.

A farmer who occupies a stand on a public highway and sells the products of his garden and also products