

1944 Supplement  
To  
**Mason's Minnesota Statutes, 1927**  
and  
**Mason's 1940 Supplement**

Containing the text of the acts of the 1941 and 1943 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 Law Review Articles and digest of all common law decisions.

Edited by  
the  
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Editorial Staff

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Where evidence of guilt is all circumstantial, proof beyond a reasonable doubt is not satisfied if the inference of innocence is as reasonable as that of guilt. *Id.* See Dun. Dig. 2451.

Same degree of proof is not required in prosecutions under a city ordinance as in prosecutions for violation of a statute under an indictment or information. *State v. Glenn*, 213M177, 6NW(2d)241. See Dun. Dig. 6806.

Proof beyond a reasonable doubt is not necessary in cases involving violations of ordinances. *State v. Siporen*, 215M438, 10NW(2d)353. See Dun. Dig. 6806.

#### 9966. Acquittal—When a bar.

Double jeopardy. 24MinnLawRev522.

## CHAPTER 95

### Crimes Against the Sovereignty of the State

#### 9970. Wilful neglect of official duty.

Wilful neglect of duty was not intended to apply to neglect to perform a duty of such character that as a matter of public interest a public officer must, in faithful discharge of his duties, scrutinize prior proceedings to determine their legality in order to conclude whether his duty has in fact arisen. *State v. Bratrud*, 210M214, 297NW713, 134ALR1248. See Dun. Dig. 8028.

In prosecution of police officer for wilful neglect of official duty with respect to enforcement of law against a house of ill fame, state must prove place concerned as one of ill fame, and character of place could be proved by showing how and in what manner it was conducted and what occupants did and said. *State v. Palmersten*, 210M476, 299NW669. See Dun. Dig. 8028.

Evidence held to sustain conviction of head of "morals squad" of wilful neglect of official duty in connection with disorderly houses. *Id.*

In prosecution of police officer for wilful neglect of official duty, it was not prejudicial error to refuse request to read statutes pertaining to an officer's power to arrest because those statutes covered situations other than that presented by evidence, and court in summarizing indictment made elements of crime clear to jury, though court should have instructed jury as to officer's power and authority in response to such request. *State v. Grunewald*, 211M74, 300NW206. See Dun. Dig. 8028.

Defendant's requested instructions that he as a police officer had no right to arrest proprietors of a house of ill fame without being in possession of competent evidence of commission of that felony were properly refused. *Id.*

Evidence held sufficient to sustain conviction of police officer for wilful neglect of official duty in failing to arrest keepers of a house of ill fame. *Id.*

Neglect of official duty may consist of careless or intentional failure to exercise reasonable diligence in its performance. Removal of Mesenbrink, 211M114, 300NW398. See Dun. Dig. 8028.

Removal of a village clerk from office for incompetency must be by conviction under Mason's Minnesota Statutes, 1927, §6953(5). *Op. Atty. Gen.*, (475H-2), July 2, 1941.

9978½.

#### WAR

#### 2. Price control.

Federal District Court had no jurisdiction to pass on

the reasonableness or validity of price regulations issued by Office of Price Administration. *Henderson v. C. Thomas Stores*, (DC-Minn), 48FSupp295. See Dun. Dig. 3744.

The ceiling prices designated in the Federal Emergency Price Control Act as applied to retail stores which were members of a large chain meant that each store must base its ceiling price on the amount for which goods were sold by it in March 1942, and not upon the prices charged in another store of the chain during that month. *Id.* See Dun. Dig. 10136ccc to 10136ff.

Where goods were sold at a discount for quantity purchases during March 1942, the seller could not change the price differential on such purchases unless the charge resulted in a lower price. *Id.*

Retail chain stores could not raise prices above their selling prices for March 1942, on account of the fact that wholesale purchaser was forced to pay more for the goods, without obtaining permission upon application to the Office of Price Administration. *Id.*

Managers of a chain of retail stores could be enjoined from selling goods at prices in excess of ceiling and from selling without adequately posting ceiling price lists, even though such conduct was merely the result of carelessness and misunderstanding of price regulations. *Id.*

The Federal district court does not have jurisdiction to determine the validity of price regulations issued by the administrator under the Emergency Price Control Act. *U. S. v. C. Thomas Stores*, (DC-Minn), 49FSupp111. See Dun. Dig. 3744.

The Emergency Price Control Act is a valid exercise of the war powers of Congress. *Id.* See Dun. Dig. 10136ccc to 10136ff.

#### 3. Requisition of property.

The right of the Federal government to requisition personal property under its war powers is superior to the rights of creditors of a corporation under reorganization or the trustee in whose possession the property is. *Inland Waterways*, (DC-Minn), 49FSupp675. See Dun. Dig. 10136ccc to 10136ff.

Upon requisition of personal property by the federal government pursuant to 50:App Mason's USCA 721, the government is not bound to tender compensation to the property owner before or at the time of taking. *Id.*

## CHAPTER 96

### Crimes Against Public Justice

#### BRIBERY AND CORRUPTION

#### 9995. Interfering with public officers.

Where licensed fur dealer was arrested upon three complaints, two arising out of violation of fur law and third on charge of resisting a game warden, and was fined under each complaint, whether state was entitled to 50% of fine under last complaint depends upon which statute prosecution was based. *Op. Atty. Gen.* (199B-4), Mar. 20, 1942.

#### RESCUES AND ESCAPES

#### 10007. Escaped prisoners.

Where man is bound over to district court in a county without a jail and is lodged in jail in another county and escapes, escape constitutes another felony and county where escape occurs is liable for cost of apprehending and returning prisoner, but sheriffs of both counties hold outstanding warrants and may enter into an agreement to share expense. *Op. Atty. Gen.*, (341a), April 24, 1940.

#### PUBLIC RECORDS

10013. Injury to public records.—Every person who shall wilfully and unlawfully remove, mutilate, de-

stroy, conceal, alter, deface, or obliterate a record, map, book, paper, document, or other thing filed or deposited in a public office or with any public officer by authority of law or any public officer or employee who permits any other person to do so shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not more than \$500.00, or by both. (As amended Act Apr. 28, 1941, c. 553, §7.)

#### PERJURY AND OTHER CRIMES

#### 10016. Perjury defined.

##### 1. What constitutes.

Perjury means not only testifying under oath to what is untrue, but that the one so testifying knew and appreciated at moment of giving testimony that it was false and untrue. *Priebe*, 207M97, 290NW552. See Dun. Dig. 7474.

What happens to perjurers. 24MinnLawRev727.

##### 5. Evidence.

Where evidence is conflicting, question of guilt in perjury, as well as in other cases, is one of fact for jury.