

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 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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7352-14. Violation a gross misdemeanor.—In the event of any newspaper failing 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 57

Limited Partnership

LIMITED PARTNERSHIP ACT

7353 to 7383.

The Uniform Limited Partnership Act has been adopted by: Alaska, California, Colorado, Idaho, Illinois, Iowa,

Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Virginia, Wisconsin.

CHAPTER 57A

Partnership

The Uniform Partnership Act has been adopted by: Alaska, California, Colorado, Idaho, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wisconsin, Wyoming.

PART I

PRELIMINARY PROVISIONS

7385. Definition of terms.

The corporate partner. 14MinnLawRev769.

7387. Rules of construction.

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PART II.

NATURE OF A PARTNERSHIP

7389. Partnership defined.

"Investment contract" embracing profit sharing scheme, offered by broker to customers, held not to create partnership. Securities & Exchange Com. v. W., (USDC-Minn), 12FSupp245.

Joint ownership of land does not create a partnership or make the owners joint adventurers. Pratt v. M., 182 M250, 234NW464. See Dun. Dig. 4948b, 7346, 7350.

The evidence is not conclusive that there was a partnership between one of the defendants and a corporation now defunct. Mahlberg v. J., 182M578, 235NW280. See Dun. Dig. 2092, 7346.

A partnership may be legal result of an agreement notwithstanding an expressed intention not to create such a relationship. Randall Co. v. B., 189M175, 248NW752. See Dun. Dig. 7346.

Contract between manager and prize fighter held one of joint enterprise or adventure and not one of employment. Safro v. L., 191M532, 255NW94. See Dun. Dig. 4948b, 5801.

As between owner of stock pledged by borrower without knowledge of owner and person signing as surety before delivery of note, such surety held not partner of borrower as affecting primary liability on note, and right to exoneration of stock pledged. Stewart v. B., 195 M543, 263NW618. See Dun. Dig. 7346.

Pledgor of stock and endorsers held co-sureties and each entitled to contribution. Id. See Dun. Dig. 1925.

Written contract with respect to mortgages transferred by bank to plaintiff's decedent held to have created a joint adventure of such nature that plaintiff is entitled to contribution for losses from certain directors and stockholders of bank. Minars v. B., 197M595, 268NW197. See Dun. Dig. 4948b.

Evidence held to sustain finding that renting of two adjoining farms to one tenant was not a joint adventure, as affecting division of expenses of maintenance. Patterson v. R., 199M157, 271NW336. See Dun. Dig. 4948b.

Relationship between two brokerage firms based upon agreement for use by one or the other as its exclusive correspondent for execution of orders of itself and its customers in consideration for which it was to be furnished free wire service held not one of partnership. Korns v. T., (DC-Minn), 22FSupp442, 36AmB(NS)854, app. dism'd, (CCA8), 102F(2d)993, —AmB(NS)—.

When persons associate together and do business as a corporation, and latter is defectively organized, their rights, duties, and liabilities, as between themselves, should be determined and governed by express or implied terms, conditions, and limitations contemplated by their agreement, and they are not partners unless they have agreed to be such. Thompson v. M., 202M318, 278NW153. See Dun. Dig. 2092.

A partnership has as its basis a contract, and respective interests of each member can only be altered by a modification of it, and a single member by himself alone cannot accomplish such an alteration. Keough v. S., 285NW809. See Dun. Dig. 7350.

The law of joint adventures. 15MinnLawRev644.

7390. Rules for determining the existence of a partnership.

One selling diamonds, held not shown to have been the partner of the owner. 180M447, 231NW408.

In action to recover on a printing bill, evidence held to justify finding that defendants were partners. Randall Co. v. B., 189M175, 248NW752. See Dun. Dig. 7349a(37).

In workmen's compensation case evidence held to show that two persons operating an apartment building and dividing the income were partners rather than tenants in common. Keegan v. K., 194M261, 260NW318. See Dun. Dig. 7349a.

Co-ownership of real estate does not create a partnership. Campbell v. S., 194M502, 261NW1. See Dun. Dig. 7346(8).

Bank suing co-owners of a farm as partners on a note purporting to be signed by them as a partnership was not thereafter stopped in a suit by a third party to claim that there was no partnership and that certain co-owner was alone liable on theory of having signed under an assumed name, first action being settled and there being no findings or judgment. Id. See Dun. Dig. 7348.

Profit sharing as a test of existence of partnership. 16MinnLawRev115.

7391. Partnership property.

Windom Nat. Bank v. K., 191M447, 254NW602; note under §7408.

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.