

GENERAL STATUTES

OF

MINNESOTA

1913

PUBLISHED UNDER THE AUTHORITY OF THE
LEGISLATURE BY VIRTUE OF AN ACT
APPROVED APRIL 20, 1911
(LAWS 1911, CH. 299)

COMPILED AND EDITED BY
FRANCIS B. TIFFANY

ST. PAUL
WEST PUBLISHING CO.
1913

and preserving in such book the registered memorandum; or shall knowingly issue any such certificates when the commodities therein described are not in the warehouse; or who, with intent to defraud, shall issue a second or other certificate for which a former valid certificate is outstanding; or who shall, under such circumstances, sell, incumber, ship, transfer, or remove from the warehouse any such certified property, or knowingly permit the same to be done, without the written consent of the certificate holder; or who knowingly receives, or helps to remove, any such property; shall be guilty of a felony, and punished by imprisonment in the state prison for not more than five years, or by a fine of not more than ten thousand dollars. (2126)

CHAPTER 28A

DEPARTMENT OF WEIGHTS AND MEASURES¹

4611. Department created—Jurisdiction of railroad and warehouse commission—There is hereby created a department to be known as the department of "weights and measures," hereafter referred to as the department, and it shall be under the jurisdiction of the railroad and warehouse commission, hereafter referred to as the commission, which shall have supervision and control over all weights, weighing devices and measures in the state. ('11 c. 156 § 1)

Act construed and held not unconstitutional as interference with freedom of contract. Nor does it violate Const. art. 4 § 27 (118-128, 136+565).

4612. Commissioner of weights and measures—Deputies and employees—The commission shall appoint a commissioner of weights and measures and such deputies and other employees as may be necessary to carry out the provisions of this chapter, and fix their compensation. The commissioner of weights and measures and the deputies shall give a bond in a sum to be fixed and approved by the commission. The commission shall provide for such examinations as it may deem necessary to determine the qualifications and fitness of appointees. ('11 c. 156 § 2)

118-128, 136+565.

4613. Rules and regulations—The commission shall prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter, and it may change, modify or amend any or all rules whenever deemed necessary, and the rules so made shall have the force and effect of law. ('11 c. 156 § 3)

4614. Duties and powers of department—Standard of weights and measures—The department shall take charge of, keep and maintain in good order the standard of weights and measures of the state and submit them to the bureau of standards of Washington, D. C., for certification when it is deemed necessary; and shall keep a seal so formed as to impress the letters "MINN" and the date of sealing upon the weights and measures that are sealed; it shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the state for the purpose of testing the weighing or measuring apparatus used in the state, and keep a record thereof; it shall have general supervision of the weights, measures, and weighing or measuring devices offered for sale, sold or in use in the state; and shall, upon the written request of any person, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state; it shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the state, and shall annually during the first fifteen (15) days of January, make a report of its actions to the governor of the state. ('11 c. 156 § 4)

4615. Inspecting, testing, sealing—Incorrect weights, measures, etc.—The department or any of its employees shall have power to inspect and test all weights, scales, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments for measurement that are kept, offered or exposed

¹ It is suggested that §§ 5788, 5789, 5801-5804, post, under the chapter on Weights and Measures, were repealed by this chapter. See repealing clause, § 2643, post.

for sale, or sold, or used or employed within this state by any person in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and it shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the state are correct. In the general performance of this duty the department, or any of its employees, may enter or go into and upon any stand, place, building or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever and require him, if necessary, to proceed to some place which the scaler may specify for the purpose of making proper tests. Scales, weights, measures or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department shall be sealed with proper devices to be approved by the commission. Any employee shall condemn, seize and destroy incorrect weights, measures or weighing or measuring devices which, in the judgment of the department cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "condemned for repair," in the manner to be prescribed by the department. The owners or users of any scales, weights, measures, or weighing or measuring instrument which have been so disposed of shall have the same repaired or corrected within thirty (30) days, and the same shall not be used or disposed of in any way without the consent of the department. ('11 c. 156 § 5)

4616. Offenses and penalties, etc.—Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed within one year, as provided by this law, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employee of the department, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or shall refuse to pay any fee charged for testing and sealing or condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor and shall upon conviction be fined a sum not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, and the costs of such proceeding. No scale, weight, measure, or weighing or measuring device that has been sealed by the department shall be used, sold or exposed for sale until the fee charged for the service has been paid. ('11 c. 156 § 6)

4617. Hindering official a misdemeanor—Any person hindering, impeding or restricting in any way any employee of the department while in the performance of his official duty shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days for each offence. ('11 c. 156 § 7)

4618. Powers as special policemen—The said department and all authorized employees under the provisions of this act are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of law. ('11 c. 156 § 8)

Section 9 made an appropriation. See §§ 48, 49.

4619. Duty of treasurers—The state treasurer and the county treasurers of the various counties shall deliver to the department all standards of weights and measures, balances, testing apparatus and sealing equipment now in their possession within ninety (90) days after the passage of this act. ('11 c. 156 § 10)

4620. Fees—Fines—Weight and measure fund—The commission shall fix the fees for inspecting, testing, sealing or condemning any scales, weights, measures, and weighing or measuring devices. All money appropriated or so collected, and all fines and penalties for violating any provisions of this law, shall be paid into the state treasury and known as the "Weight and Measure Fund" and paid out only on the order of the commission and auditor's warrant. The money in said fund, or so much thereof as may be necessary, are hereby annually appropriated to the payment of salaries, fees and expenses of officers and employes of said department. ('11 c. 156 § 11)

4621. Construction of "person"—The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof. ('11 c. 156 § 12)

4622. Laws unrepealed—This act shall not apply to nor repeal section 2059 of the Revised Statutes of 1905 [4447], chapter 357 of the Laws of 1907, or chapter 319 of the Laws of 1909. ('11 c. 156 § 13)

For 1907 c. 357 and 1909 c. 319, see §§ 4209-4212.

4623. Laws repealed—All acts or parts of acts conflicting with the provisions of this law are hereby repealed, and this act shall take effect and be in force from and after the first day of July, 1911. ('11 c. 156 § 14)

CHAPTER 28B

DEPARTMENT OF BANKING

4624. Department established—There is hereby established within this state a department of banking which shall have charge of the execution of all laws relating to state banks, savings banks, trust companies, building and loan associations and other financial corporations chartered under the laws of Minnesota, and the business thereof. Such department shall be designated as the department of banking of the state of Minnesota, and it shall be under the management and control of a chief officer to be known as the superintendent of banks. ('09 c. 201 § 1)

Section 11, amended by 1911 c. 176, providing for salaries, is superseded by § 294. Section 13 made an annual appropriation, as to which see §§ 48, 49. Section 15 repealed inconsistent acts and parts of acts.

4625. Superintendent of banks—Term—Qualifications—Bond—The governor, by and with the consent of the senate, shall appoint a superintendent of banks for the term of three years, and until his successor in office shall qualify; and in case of a vacancy in such office, it shall be filled by like appointment for the remainder of the term. Such superintendent of banks shall be a practical banker of not less than five years' active experience, and shall not, during the term of his office, hold any other public office under the state, or under any county, municipality or public institution therein, nor shall he be a stockholder, director, or an officer, trustee, assignee, or employe of any banking, savings or other financial institution or corporation herein named, within or outside the state. Said superintendent of banks shall give a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of his duties. ('09 c. 201 § 2)

4626. Seal—The superintendent of banks shall devise a seal for the use of his office which shall continue to be the seal of said department. A description of the seal with an impression thereof shall be filed in the office of the secretary of state. ('09 c. 201 § 3)

4627. Powers and duties of superintendent—The superintendent of banks shall be vested with all the powers, authority and privileges at present conferred by law on, and shall take over all the duties of the public examiner in relation to state banks, savings banks, trust companies, building and loan associations and other financial corporations within the state, not herein specifically provided for; it being the intention of this act to completely divorce the banking department from the office of the public examiner and to confer upon said superintendent of banks all the powers, duties, authority and priv-