

# MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-  
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT  
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED  
BY THE SUBSEQUENT LEGISLATION OF 1925  
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES  
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE  
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 28A

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**5270. 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) [4611]

Act construed and held not unconstitutional as interference with freedom of contract. Nor does it violate Const. art. 4 § 27. (118-128 136+565). Ordinance not in conflict with Statute (121-202, 146+106). Not violative of constitution (124-308, 144+963).

**5271. Commissioner of weights and measures—Deputies and employes**—The commission shall appoint a commissioner of weights and measures and such deputies and other employes 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) [4612]

118-128, 136+565.  
165-268, 206+396.

**5272. Commissioner of weights and measures salary \$2,500 and deputies \$1,500**—The salary of the commissioner of weights and measures shall be twenty-five hundred (\$2,500.00) dollars per annum, and all deputies not to exceed fifteen hundred (\$1,500.00) dollars per annum. ('19 c. 454 § 1)

**5273. Fees to be paid into state treasury**—All moneys collected by the department for special services, fees and penalties shall be paid into the state treasury, and credited to a fund known as the weights and measures fund, and available for the use of the department of weights and measures. ('19 c. 454 § 2)

**5274. Inconsistent acts repealed**—All acts or parts of acts conflicting with this act are hereby repealed. ('19 c. 454 § 3)

**5275. 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) [4613]

**5276. 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) [4614]

**5277. Inspecting, testing, sealing — Incorrect weights, measures, etc.**—The department or any of its employes 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 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 employes, 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 employe 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) [4615]

**5278. 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 employe 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) [4616]

Statute is a police regulation 124-307, 144-963.

Intent to defraud is not a necessary element of the crime; deceit through carelessness being just as much prohibited as that due to clear intent. 158-334, 197-738.

An "offer to sell," is accomplished by an attempt to sell, as a ton of coal, a quantity less than a ton. 158-334, 197-738.

**5279. Hindering official a misdemeanor**—Any person hindering, impeding or restricting in any way any employe 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 offense. ('11 c. 156 § 7) [4617]

**5280. Powers as special policemen**—The said department and all authorized employes 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) [4618]

Section 9 made an appropriation.

**5281. 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) [4619]

**5282. Abolishing fee for inspection of weights and measures**—No fee shall be charged for the regular annual inspection of scales, weights, measures and weighing or measuring devices. At all other times, the cost of the inspection shall be paid by the owner when the same is performed at his request; and when made at the request of some other person the cost shall be paid by the owner, if the scale, weight, measure and weighing or measuring device is found to be incorrect; otherwise by the person making the request. The commission shall have power to fix the fees and expenses for all special services. The sum of ten thousand dollars (\$10,000.00), together with the sum in the weights and measures fund, is hereby appropriated for the payment of salaries of employes and expenses of said department for the fiscal year ending July 31st, 1915, and thirty thousand dollars (\$30,000.00) annually for the fiscal years ending July 31st, 1916 and 1917, and the same or so much thereof as may be necessary, shall be allowed and paid by the state, upon the approval of a member of the Railroad and Warehouse Commission, and the state auditor. All moneys collected by the department for special services, fees and penalties shall be paid into the state treasury, and credited to the state revenue fund. ('11 c. 156 § 11, amended '15 c. 281 § 1) [4620]

**5283. Construction of "person"**—The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employe thereof. ('11 c. 156 § 12) [4621]

**5284. Laws unrepealed**—This act shall not apply to nor repeal section 2059 of the Revised Statutes of 1905, chapter 357 of the Laws of 1907, or chapter 319 of the Laws of 1909. ('11 c. 156 § 13) [4622]

**5285. 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) [4623]

#### INSPECTION OF METERS AND DEVICES FOR MEASURING OF ELECTRICITY, GAS AND WATER.

**5285-1. Inspection and test by railroad and warehouse commission**—Petition for by residents of municipalities—Fees—Sealing and labeling devices—The railroad and warehouse commission shall have power to inspect and test all meters, mechanical devices and measures of every kind, and tools, appliances and accessories connected therewith, used, employed, kept, sold or offered or exposed for sale within this state for the purpose of measuring the amount, quantity or extent of electricity, gas or water furnished, sold or distributed to the public by any person, association, corporation or municipality except cities of the first class having, or which may hereafter have meter inspection departments. Upon petition of at least 25 consumers of electricity, gas or water within the territorial limits of any municipality and upon the deposit with the clerk of such municipality by each of such consumers of a fee of 25 cents for each such meter, mechanical device and measure installed or used upon the premises of each such petitioning consumer, the governing body of such municipality may request the commission to make an inspection and test of all such meters, mechanical devices and measures upon the premises of such petitioning consumers. Thereupon the commission, within a reasonable time after the re-

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ceipt by it of such request, shall proceed to make an inspection and test of all such meters, mechanical devices and measures upon the premises of all such petitioning consumers and upon the premises of all other consumers within such municipality who, at the time of such inspection and test, shall have deposited with the clerk of such municipality said fee of 25 cents for each such meter, mechanical device and measure upon the premises of such consumers. All such fees collected by the clerk of any such municipality shall be remitted by such municipality to the commission within 30 days of the completion of such inspection and test, and deposited to the credit of the Weights and Measures fund. All such meters, mechanical devices and measures found, upon inspection, to be correct and accurate, shall be sealed with proper devices to be approved by the commission. The commission, or any of its employes, shall condemn, seize and destroy all incorrect and inaccurate meters, mechanical devices and measures which, in the judgment of the commission cannot be satisfactorily repaired; and such as are incorrect and inaccurate and yet may be re-

paired, shall be marked as "Condemned for Repair," in the manner to be prescribed by the commission. The owners of any such meters, mechanical devices and measures which have been so "Condemned for Repair" shall have the same repaired and corrected within 30 days; and such meters, mechanical devices and measures shall not be disposed of without the consent of the commission. In the general performance of its duty the commission, or any of its employes, may enter or go into or upon any premises, building, stand or place at all reasonable times. ('27, c. 291, § 1, effective July 1, 1927 by § 3)

**5285-2. Same—Obstruction of inspection—Penalty**—Every person, association or corporation that shall refuse to allow entrance upon or into his or its premises, building, stand, or place for the purpose of inspection as prescribed herein, or that shall use, employ, keep, sell or offer or expose for sale any such meters, mechanical devices or measures in violation of this act shall be guilty of a misdemeanor, and each violation thereof shall constitute a separate offense. ('27, c. 291, § 2, effective July 1, 1927 by § 3)

CHAPTER 28A-1

TELEPHONE COMPANIES

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**5286. Telephone companies placed under jurisdiction of Railroad and Warehouse Commission—The Railroad and Warehouse Commission, now existing un-**

der the laws of this state, is hereby vested with the same jurisdiction and supervisory power over telephone companies doing business in this state, as it now has over railroad and express companies, and wherever the term "commission" is used in this act it shall mean said Railroad and Warehouse Commission. ('15 c. 152 § 1)

Commission has jurisdiction over unorganized association (141-125, 169+430). Regulation of poles and wires remains in municipality (138-281, 164+989). 164-279, 204+873, note under § 5304.

**5287. Construction of "Telephone Company"**—The term "Telephone Company" as used in this act shall mean and apply to any person, firm, association or any corporation, private or municipal, owning or operating any telephone line or telephone exchange for hire, wholly or partly within this state, or furnishing any telephone service to the public. ('15 c. 152 § 2)

**5288. Scope of law**—Except as otherwise provided in this act, all the provisions of Chapter 28 of the Revised Laws of 1905 and acts amendatory thereof applying to railroad and express companies shall, in so far as the same are applicable, apply also to telephone companies. ('15 c. 152 § 3)

See Chapter 28 of these statutes. 148-219, 181+333; 274 Fed. 384.

**5289. Rates to be fair and reasonable**—It shall be the duty of every telephone company to furnish reasonably adequate service and facilities for the accommodation of the public, and its rates, tolls and charges shall be fair and reasonable for the intrastate use thereof. All unreasonable rates, tolls and charges are hereby declared to be unlawful. ('15 c. 152 § 4)

Advisability of continuing rates in effect (146-247, 178+604). Contract rates ambiguous (148-219, 181+333).

**5290. Schedule of rates to be filed with the commission**—Upon the taking effect of this act it shall be the duty of every telephone company to forthwith file with the commission a schedule of its exchange rates, tolls and charges for every kind of service, together