

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.



Edited by  
**William H. Mason**  
*Assisted by*  
**The Publisher's Editorial Staff**

MASON PUBLISHING CO.  
SAINT PAUL, MINNESOTA  
1940

where the employer has made a proper report in compliance herewith. (Act Apr. 13, 1935, c. 165, §3.)

**9950-25. Violation a gross misdemeanor.**—Any person who violates any provision of this act is guilty of a gross misdemeanor. (Act Apr. 13, 1935, c. 165, §4.)

#### BROADCASTING STATIONS

**9950-41. Radio stations may be installed.**—The commission of administration and finance is hereby authorized to purchase, secure the necessary air privilege, lease or otherwise acquire, and install one or more radio broadcasting stations to be used for police purposes only, under the direction of the bureau of criminal apprehension. (Act Apr. 17, 1935, c. 195, §1.)

The 23 employees authorized by §9950-7 includes those necessary to operate the radio broadcasting station under Laws 1935, c. 195, §1. Op. Atty. Gen. (985h), June 7, 1935.

**9950-42. Bureau to maintain station.**—The bureau is hereby charged with the maintenance, operation and conduct of all radio broadcasting stations established under the provisions of this act. (Act Apr. 17, 1935, c. 195, §2.)

**9950-43. Police cars to have radios.**—When the broadcasting station or stations authorized by this act have been established and are ready for operation, the bureau shall notify immediately the board of county commissioners in each county of the state that such radio service has been established; and forthwith the board shall provide for the purchase and installation in the office of the sheriff and at such other places within each county as it may direct, and in at least one motor vehicle used by the sheriff in the conduct of his office, a locked-in radio receiving set of the character prescribed by the bureau for use in connection with the broadcasting station or stations so established. (Act Apr. 17, 1935, c. 195, §3; Jan. 27, 1936, Ex. Ses., c. 104, §1.)

Requirement that county boards install radio receiving sets is mandatory. Op. Atty. Gen. (390a-10), Oct. 16, 1935.

**9950-44. Receiving stations in cities and villages.**—The council of each city in the state shall, and the council of each village in the state may, purchase, install and maintain in such place as said council may determine at least one such locked-in radio receiving set as may be prescribed by the bureau for use in law enforcement and police work in such city or village in connection with the broadcasting system thereby established. (Act Apr. 17, 1935, c. 195, §4; Jan. 27, 1936, Ex. Ses., c. 104, §2.)

Requirement that city councils install radio receiving sets is mandatory. Op. Atty. Gen. (390a-10), Oct. 16, 1935.

**9950-45. Commission to supply broadcasting sets.**—The commission shall purchase and supply the bureau of criminal apprehension with such locked-in radio receiving sets as are deemed necessary by the superintendent. (Act Apr. 17, 1935, c. 195, §5; Jan. 27, 1936, Ex. Ses., c. 104, §3.)

Receiving sets must be purchased and paid for by municipality. Op. Atty. Gen. (985j), Nov. 14, 1935.

**9950-46. Bureau to broadcast criminal information.**—It shall be the duty of the bureau to broadcast all police dispatches and reports submitted which in the opinion of the superintendent shall have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime and the maintenance of peace and order throughout the state. Every sheriff, peace officer or other person employing a radio receiving set under the provisions of this act shall make report to the bureau at such times and containing such information as the superintendent shall direct. (Act Apr. 17, 1935, c. 195, §6.)

**9950-47. Telephone and telegraph companies to give priority to messages.**—Every telegraph and telephone company operating in the state shall give priority to all messages or calls directed to the broadcasting station or stations established under this act. (Act Apr. 17, 1935, c. 195, §7.)

**9950-48. Permission for short wave sets must be secured.**—No person other than peace officers within the state and the members of the state highway patrol shall equip any motor vehicle with a short wave length radio receiving set or use the same in such motor vehicle without first obtaining permission to do so from the superintendent of the bureau upon such form of application as he may prescribe. (Act Apr. 17, 1935, c. 195, §8.)

**9950-49. Appropriation.**—There is hereby appropriated out of any money in the treasury not otherwise appropriated \$25,000.00 for the fiscal year ending July 1, 1936, and \$12,500.00 for the fiscal year ending July 1, 1937, or so much thereof as may be necessary to carry out the provisions of this act. (Act Apr. 17, 1935, c. 195, §9.)

**9950-50. Violations—Penalties.**—Any telegraph or telephone operator who shall fail to give priority to police messages or calls as provided herein; any person who installs or uses a short wave length radio receiving set in any motor vehicle contrary to the provisions of this act; and any person who wilfully makes any false, misleading or unfounded report to any broadcasting station established hereunder for the purpose of interfering with the operation thereof or with the intention of misleading any officer of this state shall be guilty of a misdemeanor. (Act Apr. 17, 1935, c. 195, §10.)

## CHAPTER 94

### Rights of Accused

#### 9951. To know grounds of arrest.

Constable arresting person without warrant must take him before a magistrate without delay. Op. Atty. Gen., Feb. 28, 1933.

General rules stated for arrests with and without warrants and force that may be used, together with rights as to breaking into buildings to make arrests. Op. Atty. Gen., Mar. 19, 1934.

Insanity as defense—tests for determining criminal responsibility. 17MinnLawRev630.

#### 9953. Conviction—When had.

A "confession in open court" is a formal admission that the specific crime or one included within the indictment was committed. State v. O., 182M48, 233NW590. See Dun. Dig. 2462.

#### 9954. Dismissal, when.

"Good cause" means a substantial reason, one that affords a legal excuse. 173M153, 216NW787.

Defendant's silence, in the face of numerous continuances and long delay, waives right to a speedy trial. 173M153, 216NW787.

#### 9957. Counsel for defense; public defender in certain counties.

Attorney is only entitled to compensation for days he is actually in court regardless of service out of court in preparation for trial. Op. Atty. Gen., June 14, 1933.

#### 9966. Acquittal—When a bar.

One acquitted of charge of rape where age of female is not alleged in indictment may again be tried for same act on same facts under an indictment charging carnal knowledge and abuse of a female child under eighteen years of age. State v. Winger, 204M164, 282NW 819. See Dun. Dig. 2425.