

CHAPTER 437

POLICE REGULATIONS

437.02 POWER TO REGULATE TRANSIENT MERCHANTS.

An ordinance requiring a payment of \$25 per day as a license to operate as a transient merchant is void for the reason that the fee is unreasonably high. *City of Duluth v Rosenblum*, 180 M 352, 230 NW 830.

437.09 SHOWS PROHIBITED WITHOUT LICENSE; MISDEMEANOR; PUBLIC NUISANCE.

Neither a municipal corporation nor its administrative officers are liable in damages suffered by third persons in consequence of judicial proceedings conducted in behalf of the municipality in the exercise of its governmental functions. *Roerig v Houghton*, 144 M 231, 175 NW 542.

437.12 ELEVATOR OPERATORS; LICENSE; PENALTIES.

Plaintiff's minor son, 18 years of age, entered the service of defendants as a student elevator operator with a view to employment as such operator when he became qualified; he was placed at work under the direction of the regular operator, and continued therein for about two weeks when he was injured; at the time of his injury he was operating the elevator alone and, in the absence of his instructor, had been so operating it for several days; he was not a licensed operator as required by section 1432, G.S. 1913, but was under the apprenticeship stated. It is held:

(a) That the relation of master and servant existed between the parties rendering the workmen's compensation act applicable.

(b) That the employment was not illegal, as a violation of the statute requiring elevator operators to be licensed.

(c) That under the facts stated in the opinion the relation of master and servant was not interrupted by the act of the employee in operating the elevator in the absence of his instructor. *Pettee v Noyes*, 133 M 109, 157 NW 995.