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Containing the text of the acts of the 1941 Session 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 Law Review Articles and digest of all common law decisions.

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CHAPTER 28

Railroads, Warehouses and Grain

RAILROAD AND WAREHOUSE COMMISSION

4634. Secretary—Employees.
Secretary to Railroad and Warehouse Commission is within classified service. Op. Atty. Gen. (644), Jan. 21, 1941.

4638. Proceedings before commission; etc.
Lenihan v. T., 293NW601. Cert. den. 61SCR392. Reh. den. 61SCR448; notes under §5291.

4644. Complaint that rate is unreasonable; etc.
Telephone rates. State v. Tri-State Tel. & Tele. Co., 295NW511; note under §5291.

4646. Investigation without complaint; etc.
Lenihan v. T., 293NW601. Cert. den. 61SCR392. Reh. den. 61SCR448; notes under §5291.

4659. Appeals to supreme court.
An appeal from both a judgment, which is appealable, and an order, which is not appealable, will be treated as a valid appeal from judgment only and will be disregarded so far as it relates to the order. State v. Rock Island Motor Transit Co., 295NW519. See Dun. Dig. 8082a.

An order denying an alternative motion for amended findings or a new trial is not appealable as a final order. Id.

Parties of record in proceeding before Railroad and Warehouse Commission, in which they fully participated by consent and without objection, who upon appeal to district court were notified to appear and did appear and enter formal appearance and by consent litigated the issues raised by appeal to supreme court, will be heard with other parties. Id.

Provisions that appeal shall be taken in same manner as in civil actions simply mean that procedure in appeals in civil actions shall be followed. Id.

4662. Dangerous crossings—Complaints—Hearings.
Judicial notice can be taken that Mississippi River at Minneapolis is a navigable stream, and that city cannot use public money to alter railroad bridges to make it possible for river traffic to ply the stream following improvements made by federal government, it being the legally enforceable and uncompensable duty of railroad to alter structure pursuant to command under the police power. Bybee v. C., 292NW617. See Dun. Dig. 6944.

4663. Report and order; etc.
Bybee v. C., 292NW617; note under §4662.

4679. Duty of commission.
State is not entitled to recover fees for weighing coal loaded in carload lots for rail transportation at dock of shipper at Duluth, carried to, and unloaded at, shipper's retail yard in Minneapolis or St. Paul for the shipper's own use or consumption or sale at retail from piles. State v. Inland Coal & Dock Co., 293NW611. See Dun. Dig. 10201.

4700. Powers and duties of commission; etc.
Where difference in length between alternative routes over lines of several carriers is more than 137 per cent greater than natural and customary route over line of original carrier between point of origin and final destination, both located on such railway, longer route being more burdensome to carriers, shipper who chose the latter route must bear established tariff over such route, and where bill of lading designated owner both as consignor and consignee, he was liable for legal freight charges though there was part payment on delivery. Scandrett v. H., 296NW26. See Dun. Dig. 1205d.

Shipment being run in interstate commerce, all parties involved were alike charged with full knowledge of published rate and inescapable force. Id. See Dun. Dig. 1205f.

RAILROADS AND COMMON CARRIERS

4733. Signs at crossings.
In crossing accident, whether mechanical stop sign worked as train approached held for jury. Krtinich v. D., 287NW870. See Dun. Dig. 8177.

Slight negative testimony did not overcome positive affirmative testimony that requisite train signals by bell or whistle were sounded. Engberg v. G., 290NW579. See Dun. Dig. 8175.

Where there were two electric signals, one on either side of the railroad, and evidence is compelling that one was operating and they were operated by same electric circuit, there is no ground for inference, nothing more appearing, that other was not also working. Id. See Dun. Dig. 8175.

Over an open railroad crossing where the view of travelers on the highway is unobstructed and the crossing is protected by high "saw-buck" warning signs, automatic stop signs, and flashing red lights, a train speed of 50 miles per hour is, as matter of law, not negligent. Id. See Dun. Dig. 8180.

Absent unusual circumstances, failure of railway employes to anticipate that automobile would enter crossing without stopping is not evidence of negligence. Id. See Dun. Dig. 8183.

An instruction respecting duty of train crew on approaching a crossing held not to submit any issue of willful or wanton negligence, an issue neither pleaded nor proved. Lang v. C., 295NW57. See Dun. Dig. 8200.

4734. Width of crossings and grades.
Speed of 25 miles per hour of a combined passenger and freight train was not excessive as a matter of law at a rural crossing. Krtinich v. D., 287NW870. See Dun. Dig. 8180.

In crossing accident whether bells and whistle on train were silent held for jury. Id. See Dun. Dig. 8175.

Railroad engineer had right to assume that truck approaching crossing would stop until a collision appeared imminent. Id. See Dun. Dig. 8183.

Failure of railroad to warn those in truck of approaching train was not a proximate cause of collision where driver of truck saw train, and either stepped on accelerator instead of foot brake or deliberately attempted to beat it to the crossing. Id. See Dun. Dig. 8197.

Driver's negligence in approaching a railroad crossing could not be imputed to sleeping passengers. Krause v. C., 290NW294. See Dun. Dig. 8194.

Testimony of a passenger in a crowded Ford that he did not hear crossing whistle sounded or locomotive bell rung, it not appearing that such passenger was listening for sounds, or that windows of Ford were open, or that he heard rumbling of freight train running at 25 miles an hour at any moment prior to Ford's collision with 19th car from front, is of no probative value as against positive testimony of several witnesses in a position to know that whistle was sounded and bell rung. Id. See Dun. Dig. 8203.

Whether planks and crushed rock between rails of track on city street complied with statute held for jury. Lang v. C., 295NW57. See Dun. Dig. 8179.

4741. Railroad crossings to be protected.
A municipality in virtue of its delegated police power from the state, may by ordinance reasonably regulate speed of trains within its limits and court may not hold such ordinance void as in restraint of trade, unless its unreasonableness or want of necessity is clear, manifest and undoubted. Lang v. C., 295NW57. See Dun. Dig. 8180.

In action for death of passenger in automobile in collision on railroad crossing evidence held not to establish that deceased was negligent in riding with host who had drunk beer, there being no testimony that deceased saw him drink or that he was physically under influence of liquor. Id. See Dun. Dig. 8193.

4743-1. Crossings of railroads, streets and public highways; etc.
In action for death of automobile guest in collision at railroad crossing wherein it appeared that train was traveling at a speed in excess of 6 miles in violation of city ordinance, there was no error in excluding offer of defendants to show that if freight and passenger trains from other states running through 150 cities and villages were to be compelled to limit their speed to 6 miles per hour transportation would be unduly prolonged and limitation of speed would constitute an undue burden on interstate commerce, court receiving all evidence offered which related to grade and tracks through city involved. Lang v. C., 295NW57. See Dun. Dig. 8180.

Operation of a train in excess of speed provided by city ordinance is negligence warranting a recovery if proximate cause of collision at crossing. Id.

Court and not jury is to pass on question of unreasonableness of ordinance of a city limiting speed of a train and its applicability to particular crossing in view of precautions taken by railroad to protect travelers thereon. Id.

4743-4. Same—Additional warning signs—Railroads to provide.
Crossing held not extra-hazardous so as to require more than ordinary highway and railroad signs at crossing, as affecting motorist injured by running into 19th car of train. Krause v. C., 290NW294. See Dun. Dig. 8174.

A level and open crossing, protected by "saw-buck" and automatic electric signals is not to be considered extra hazardous so as to permit a jury to say that additional warnings were required. Engberg v. G., 290NW579. See Dun. Dig. 8177.

4743-8. Same—Drivers of vehicles required to reduce speed. [Repealed.]
Repealed. Laws 1937, c. 464, §144.
An instruction that presumption of due care on part of a deceased is comparable to that of right conduct, every person is presumed to do what is right, but this presumption of due care on part of deceased may be overcome by ordinary proof by the greater weight of the evidence that due care was not exercised by deceased, was technically incorrect in that jury might understand that presumption is equivalent of evidence which defendant must meet and overcome, instead of charging that presumption vanishes when there is evidence of care deceased did take or omitted to take to avoid death. Lang v. C., 295NW57. See Dun. Dig. 8201.
Driver's negligence at railroad crossing is not imputable to a guest passenger. Id. See Dun. Dig. 8194.
In action for death of a guest passenger in automobile at railroad crossing burden was upon railroad to show that deceased was guilty of negligence. Id. See Dun. Div. 8201.
A passenger in an automobile is not required to exercise care and caution required of driver at railroad crossing. Id. See Dun. Dig. 8193.
Whether speed of train in excess of 6 miles per hour in violation of city ordinance was proximate cause of collision at crossing, held for jury. Id. See Dun. Dig. 8180.

4743-12. Uniformity of devices for protection at grade crossings.
A railroad could not maintain electric bell at crossing after railroad and warehouse commission had ordered it replaced by "stop" signs. Krause v. C., 290NW294. See Dun. Dig. 8174.

4743-17. Uniformity of devices for protection at grade crossings.—Penalties.—Any person, firm or corporation violating any of the provisions of Sections 4743-1 to 4743-17 shall be guilty of a misdemeanor. Provided that the violation of Sections 4743-7 and 4743-8 shall not of itself constitute contributory negligence as a matter of law. (As amended Act Apr. 21, 1941, c. 338, §1.)

4808. Free transportation for commission.
Commission may issue its own uniform pass for free transportation on buses, railroad trains and pullman cars, and need not request individual passes from carrier, and a motor bus or a railroad company cannot restrict use of such passes to business concerning themselves respectively. Op. Atty. Gen., (368d-18), Dec. 7, 1939.

4879. Caboose cars.—It shall be unlawful for any person, corporation or company operating any railroad in the State of Minnesota to require or permit the use of any caboose cars unless said caboose cars shall be at least 24 feet in length, exclusive of platforms, and shall be provided with a door at each end thereof, and with suitable water closets, cupolas or bay windows, platforms, guard rails, grab irons, and steps for the safety of persons in alighting or getting on said caboose cars and said caboose cars shall be equipped with at least two four-wheeled trucks. Shatter-proof glass shall be used in the door or doors of said caboose when the present glass in said door or doors is replaced. (As amended Act Apr. 15, 1941, c. 230, §1.)

4886. Depots and waiting rooms.
Evidence held to sustain finding of negligence of railroad when passenger fell down steps leading from platform of railroad station. Becker v. T., 294NW214. See Dun. Dig. 8124.

4910. Fire extinguishers and tools.—Every such company shall keep, at each end of each passenger and sleeping car run or operated by it, fire extinguishers of good and approved construction, in good condition for use, and in a safe and convenient position, and in each car one saw and one ax to be kept inside of the car, in convenient places for use in case of accident. Any company violating any provision of this section shall forfeit to the state not more than one thousand dollars, and any officer, agent, or employee of such company who shall be responsible for such violation shall be guilty of a gross misdemeanor, and punished by a fine of not more than one thousand dollars. (As amended Act Apr. 23, 1941, c. 390, §1.)

4914. Automatic couplers on freight cars.
Evidence held sufficient to take case to jury on question of violation of Safety Appliance Act. Ross v. D., 290NW566. See Dun. Dig. 6022n.

4933. Liability of corporations for injury or death to employes.
6. Negligence.
Evidence of failure to warn section foreman of train operating on track in fog held not to justify conclusion that defendant's negligence, if any, was a proximate cause of death of decedent, who discovered train and attempted to flag it. Turner v. N., 290NW563. See Dun. Dig. 6022o.
Failure to inspect coupler after unsuccessful contact and evidence from which jury could conclude that defendant employee knew or should have known that if switch engine did not couple with cars on which plaintiff was working, these cars would continue down track at considerable rate of speed when switch train stopped, and that plaintiff would jump on and ride cars on which he was working, and that a collision with other cars standing down the track would occur, warranted a finding of negligence. Ross v. D., 290NW566. See Dun. Dig. 6022e.
Master is under duty of warning employe of dangers incident to cleaning floors with carbon tetrachloride, fumes from which may cause death. Symons v. G., 293 NW303. See Dun. Dig. 5929.
Master is under duty to exercise reasonable care for safety of his servant. Symons v. G., 293NW303. See Dun. Dig. 5855.
Where reasonable inquiry would disclose to master that carbon tetrachloride furnished to servant will give off fumes dangerous to life, master may be held for negligence. Symons v. G., 293NW303. See Dun. Dig. 5929.
9. Evidence.
Evidence of custom of railroads in general with respect to attempting to couple to moving cars was admissible. Ross v. D., 290NW566. See Dun. Dig. 6022e.
11. Questions for jury.
A jury case is not made out unless reasonable minds could conclude from the evidence that defendant's negligence proximately caused injury. Turner v. N., 290NW 563. See Dun. Dig. 6022o.
Whether deceased employee was acting within scope of his authority in cleaning floor of oil room or was merely cleaning his coat with carbon tetrachloride, when fumes caused his death, held for jury. Symons v. G., 293 NW303. See Dun. Dig. 5858.
12. Damages.
Verdict for $18,000 reduced to $15,000 was not excessive where plaintiff's loss of earnings alone exceeded amount allowed. Ross v. D., 290NW566. See Dun. Dig. 2597.
Whether injury to head caused insane condition of plaintiff held for jury. Id. See Dun. Dig. 2570.

4935. Contributory negligence not to bar a recovery.
As affecting liability for death of a clerk from using carbon tetrachloride for cleaning floors, express authorization to use such fluid for that purpose is unnecessary where implied authority may be inferred. Symons v. G., 293NW303. See Dun. Dig. 5884.

NEGOTIATION AND TRANSFER OF BILLS

4999. Demand, presentation or sight draft must be paid; etc.
Carriers issuing order bill of lading with draft attached, held liable where it delivered the goods to a warehouse company controlled by the drawee and purchaser without surrender of the bill of lading and payment of the draft, though the draft was indorsed by the shipper, was payable on 20 days sight, and was accepted by the drawee. Penn. R. Co. v. B., (CCA6), 111F(2d)983.

MOTOR VEHICLE TRANSPORTATION FOR HIRE

5015-1. Meaning of terms used.
A motor carrier engaged in transportation by motor vehicle over public highways between designated depots, stations and sidings of freight tendered to it by a railroad which has undertaken to carry freight as a common carrier by rail is a common carrier between fixed termini or over a regular route, whose operation is authorized only under a certificate of public convenience and necessity under Laws 1925, c. 185, and is not authorized as a contract or common carrier under Laws 1933, c. 170. State v. Rock Island Motor Transit Co., 295NW519. See Dun. Dig. 8078c.

5015-20. Definitions.
(g).
A motor carrier engaged in transportation by motor vehicle over public highways between designated depots, stations and sidings of freight tendered to it by a railroad which has undertaken to carry freight as a common carrier by rail is a common carrier between fixed termini or over a regular route, whose operation is authorized only under a certificate of public convenience and necessity under Laws 1925, c. 185, and is not authorized as a contract or common carrier under Laws 1933, c. 170. State v. Rock Island Motor Transit Co., 295NW519. See Dun. Dig. 8078c.

5015-23. Petitions to be filed with commission.
State v. Rock Island Motor Transit Co., 295NW519; note under §5015-20(g).

5015-25. Bonds of applicants.
"Over-all Retrospective Coverage" plan of insurance. Op. Atty. Gen., (517J), Feb. 7, 1940.

5015-38. Appeals.
Parties of record in proceeding before Railroad and Warehouse Commission, in which they fully participated by consent and without objection, who upon appeal to district court were notified to appear and did appear and enter formal appearance and by consent litigated the issues raised by appeal to supreme court, will be heard with other parties. State v. Rock Island Motor Transit Co., 295NW519. See Dun. Dig. 8082a.
An order denying an alternative motion for amended findings or a new trial is not appealable as a final order. Id.
An appeal from both a judgment, which is appealable, and an order, which is not appealable, will be treated as a valid appeal from judgment only and will be disregarded so far as it relates to the order. Id.

5015-45. Duties of railroad and warehouse commission; etc.
It is within discretionary powers of railroad and warehouse commission to send out inspectors to enforce act, bearing in mind that highway patrol also has legal duty to arrest anyone violating act. Op. Atty. Gen. (640), June 10, 1940.

STORAGE AND SHIPMENT OF GRAIN TERMINAL WAREHOUSES

5025. Warehousemen to post statement of grain in warehouse—Report to commission.—Every terminal warehouseman shall post conspicuously in his business office, on or before Tuesday morning of each week, a statement of the amount of grain of each kind and grade in store in his warehouse at the close of business on the preceding Saturday and render a like statement, verified by him or his bookkeeper having personal knowledge of the facts to the warehouse registrar of the commission. He shall also make a daily statement to said registrar of the amount of each kind and grade of such grain received in store in his warehouse the preceding day; the amount shipped or delivered, and the warehouse receipt canceled on such delivery, stating the number of each receipt and the amount, kind and grade of grain shipped or delivered thereon; the amount, kind and grade of grain delivered for which no warehouse receipt was issued and how and when the same was received, the aggregate of such reported cancellation and delivery of unreceipted grain corresponding in amount, grade and kind with the shipments and deliveries reported; and shall also at the same time report the receipts canceled upon issue of new ones, with the number of each such receipt canceled and that issued in its place. He shall also furnish the registrar any further information regarding receipts issued or canceled necessary for correct record of all such receipts and of grain received and delivered and shall make a further verified statement to the commission of the condition and management of any terminal warehouse under his control, at such times and in such form as the commission may require. (As amended Act Apr. 24, 1941, c. 430, §1.)

LOCAL WAREHOUSES

5060. Warehouses must be licensed.—All public local grain warehouses shall be licensed annually by the commission. No license shall be issued until applicant has complied with Section 5071, Mason's Minnesota Statutes relating to storage of grain. Application for license must be filed with the commission and the license issued before transacting warehouse business.

Every license shall expire at midnight on the thirtieth day of June, the fee shall be five dollars for each license issued and a license shall be required for each such warehouse operated. The fees collected under this section shall be paid into the state treasury and credited to the state grain inspection fund. Such license shall be revocable by the commission for cause upon notice and hearing. All licenses, grade rules and all rules regulating public local grain warehouses shall upon receipt thereof by the warehouseman, be posted in a protected place in the driveway to his warehouse.

Any person, firm or corporation, other than a licensed warehouseman, who shall purchase grain from the owner thereof for the purpose of resale shall first procure a license therefor from the Commission before transacting such business and shall be subject to the same laws, rules and regulations as may govern public local grain warehousemen in so far as they may apply. Such license shall be renewed annually and shall also expire on June thirtieth. The license fee for each such buyers shall be five dollars. Before any such license shall be issued the applicant therefor shall file with the Commission a bond to the State with a corporate surety, approved by the Commission, in a penal sum of not less than $1,500 conditioned that the applicant will pay upon demand to such owner the purchase price of such grain. Nothing in this act shall apply to anyone purchasing seed grain for his own use or to any person who engages in the purchase of grain for his own use or consumption; but the word "use" or the word "consumption" as used herein, shall not be construed to mean or include the sale of such grain at retail or wholesale.

Any public local grain warehouseman, or such purchaser of grain, operating without first obtaining such license shall be deemed guilty of a misdemeanor; each day of such operation shall constitute a separate offense; for which such public local grain warehouseman, or purchaser of grain, shall forfeit to the State fifty ($50.00) dollars; and such operation may be enjoined upon complaint of the commission. (As amended Act Apr. 24, 1941, c. 432, §1.)

5063. Grain to be received for storage—Receipts for—Penalties—

(a) * * * * *

(h) Any person, firm, association or corporation, or any officer or agent of any person, firm, association or corporation, who shall violate the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars or by imprisonment in the county jail for not less than thirty days. The Railroad and Warehouse Commission of this state shall have the power and it shall be their duty whenever they find, after a hearing, that the provisions of this act have been violated by any person holding a license to conduct a public local grain warehouse in this state, to revoke and annul such license, and in such case no new license shall be granted to the person whose license is so revoked, nor to anyone either directly or indirectly engaged with him in said business for the period of one year, except that said Railroad and Warehouse Commission is authorized and empowered to permit, upon application made, licensed public local grain warehousemen to execute and perform agreements with the Secretary of Agriculture representing the several agencies of the United States Department of Agriculture, notwithstanding that such agreements may provide rates for handling and storing grain contrary to those prescribed by the statutes of Minnesota. (As amended Act Apr. 24, 1941, c. 431, §1.)

WAREHOUSE RECEIPTS

PART II.—OBLIGATIONS AND RIGHTS OF WAREHOUSEMEN UPON THEIR RECEIPTS

5130. Liability for care of goods.
Lippincott Distributing Co. v. P., 137OhioSp.399, 30NE(2d)691. Aff'd 31NE(2d)(OhioApp)694.
Complaint alleging that warehouseman had without consent of plaintiff shipped plaintiff's goods from Indiana to California was sufficient as against contention that no consideration for contracts was alleged, allegations being sufficient to support action in conversion. Shank Fireproof Warehouse Co. v. H., 29NE(2d)(IndApp)1003.
Indiana statute dealing with duties and liabilities of warehousemen held not repealed by Uniform Warehouse Receipts act. Id.
A prima facie case is made by showing delivery of piano to warehouse in good condition and its return in damaged condition. McDonald v. B., 198So(La)545.

PART III.—NEGOTIATION AND TRANSFER OF RECEIPTS

5150. Rights of person to whom a receipt has been negotiated.

Where consignee is entrusted by consignor with possession of merchandise for purposes of sales, with authority to pass title thereto, and consignee, in violation of trust and confidence reposed in him, deals with consigned merchandise fraudulently and disposes of it to innocent purchaser for value, without notice, in manner not authorized by consignment agreement, consequences of such wrongdoing fall upon consignor, who voluntarily furnishes consignee with means of wrongdoing, rather than upon innocent third party. Lippincott Distributing Co. v. P., 30NE(2d)(Ohio)691.

Where one entrusted with possession of merchandise on consignment from owner places it in warehouse and obtains negotiable warehouse receipts therefor, and subsequently pledges them to bank as collateral security for promissory note, and bank thereafter takes possession of merchandise by virtue of such warehouse receipts, title of bank in such merchandise is superior to that of consignor. Id.

UNIFORM WAREHOUSE RECEIPTS ACT

5172. Supervision by Commission over warehousemen.—That the Railroad and Warehouse Commission shall have general supervision of all warehousemen doing business in cities and villages in this state having a population of 5,000 or more persons according to the last federal census or within five miles of the boundary of such cities or villages, as warehousemen are defined in this act, and shall keep itself informed as to manner and method in which their business is conducted. It shall examine such business and keep itself informed as to its general condition. Capitalization, rates and other charges, its rules and regulations, and the manner in which the plants, equipments and other property owned, leased, controlled or operated, are constructed, managed, conducted and operated, not only with reference to the adequacy, security and accommodation afforded to the public by their service, but also in respect to the compliance with the provisions of this act or with the orders of the commission. (As amended Apr. 9, 1941, c. 139, §1.)

5173. Construction of various terms.—(a) The word "commission" when used in this act shall mean the Minnesota State Railroad and Warehouse Commission.

(b) The term "commission" when used in this act means one of the members of the commission.

(c) The term "warehouseman" when used in this act means and includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their trustees, assignees or receivers appointed by any court whatsoever, controlling, operating or managing in any city or village in this state having a population of 5,000 or more persons according to the last federal census or within five miles of the boundary of such city or village in this state, directly or indirectly, any building or structure or any part thereof, or any buildings or structures, or any other property whatsoever and using the same for the storage or warehousing of goods, wares or merchandise for hire, but shall not include persons, corporations or other parties operating grain or cold storage warehouses.

(d) The term "corporation" when used in this act includes any corporation, company, association, joint stock company or association.

(e) The term "person" when used in this act includes any individual, firm, or copartnership.

(f) The term "service" when used in this act is used in its broadest sense and includes not only the use and occupancy of space for storage purposes, but also any labor expended and the use of any equipment, apparatus and appliances or of any drayage or other facilities, employed, furnished or used in connection with the storage of goods, wares and merchandise, subject to the provisions of this act.

(g) The term "rate" when used in this act includes every individual or joint rate, charge or other compensation of any warehouseman, either for storage or for any other service furnished in connection therewith, or any two or more such individual or joint rates, charges or other compensations of any warehouseman, or any schedule or tariff therof, and any rule, regulations, charge, practice or contract relating thereto. (As amended Apr. 9, 1941, c. 139, §2.)

LIVE STOCK COMMISSION MERCHANTS

5239. Defined—License—Bond.

Livestock community sale bond executed by a partnership should be signed by all partners. Op. Atty. Gen., (293a-3), Dec. 28, 1939.

CHAPTER 28A

Department of Weights and Measures

WEIGHING AND GRADING OF SLAUGHTER LIVESTOCK

5285-18. Buyers must be licensed after June 30, 1935.

Livestock community sale bond executed by a partnership should be signed by all partners. Op. Atty. Gen., (293a-3), Dec. 28, 1939.

CHAPTER 28A-1

Telephone Companies

5291. Commission to fix reasonable rates.

Section impliedly authorizes commission to sanction new rates proposed by a telephone company without formal notice of hearings and taking of testimony, if satisfied that rates are just and reasonable. Lenihan v. T., 293NW601. See Dun. Dig. 9583a.

Parties to pending rate litigation commission representing public, and defendant telephone company had right to compose and end controversy by superseding schedule of rates fixed by order sustained by supreme court by schedule of rates promulgated by subsequent order. Id.

Penalties paid by telephone subscribers were not part of "excess sums" required to be refunded by judgment of court requiring company to refund difference between amount charged under old rate and amount charged under new rate authorized by commission, and telephone company was not required to set off amount of excess charge under old rate against subsequently accruing bills so as to entitle subscribers to discounts for prompt payment thereof. State v. Tri-State Tel. & Tel. Co., 295 NW511. See Dun. Dig. 9583a.

5298. Commission given power to delegate authority to employees.

Lenihan v. T., 293NW601; notes under §5291.