**181.62 VIOLATIONS**

HISTORY. 1951 c 201 s 3.

**181.63 SALE OR USE OF SILICATE, SILICA DUST, OR SILICON FLOUR FOR CERTAIN PURPOSES**

HISTORY. 1953 c 484 s 1.

## CHAPTER 182

## EQUIPMENT, PLACES OF EMPLOYMENT; REGULATION

**182.01 DANGEROUS MACHINERY; POWERS OF COMMISSION**

HISTORY. 1893 c 7 s 1; 1895 c 173 s 1; 1911 c 288 s 1; 1913 c 316 s 1.

Contributory negligence as a defense to violation of statute. 32 MLR 105.

Duty of manufacturer to safeguard dangerous machines. 35 MLR 608.

In an action for an injury sustained by an employee when struck by a steel chip from a hammer which the employee was using in the ordinary way justified a verdict for the defendant in the absence of evidence that they knew of any defect in the hammer, or that it had crystalized because of use. Section 182.01 does not apply. Dally v Ward, 223 M 265, 26 NW(2d) 217.

The simple tool doctrine, under which the master is under no duty to inspect and discover defects, if any, applies to a small step stool. An inference that an instrumentality was defective is not permissible from the fact that the owner discarded it, where the uncontradicted and unimpeached testimony is to the effect that the instrumentality was in perfect condition, and that it was discarded for a reason other than for a defect therein. Person v Okes, 225 M 541, 29 NW(2d) 361.

Defendant, the owner of a lumber yard, permitted a customer to use a saw rig owned by defendant to cut rafters out of lumber he had purchased. The work was done by the customer's employees without any supervision by defendant. Because of the absence of a guard to the saw, a piece of board was thrown off by the saw striking and injuring plaintiff, an employee of the customer. The trial court did not err in granting defendant's motion for judgment notwithstanding the verdict on the ground that MSA Chapter 182, the Minnesota factory act, did not apply to the situation. The fact that a legislative enactment requires a particular act to be done for the protection of the interests of a particular class of individuals does not preclude the possibility that the doing of such an act may be negligence at common law toward other classes of persons. Alsaker v DeGraff Lumber Co., 234 M 280, 48 NW(2d) 431.

The crew of a truck crane, engaged from the lessor of the crane by a construction company, were loaned servants, for whose negligence, if any, in the operation of the truck crane the lessor is not liable, an electrical power company transmitting high-tension current on its power lines along or near a highway is bound to anticipate only the ordinary and usual use of that highway in the usual and customary manner, unless it becomes aware of an anticipated unusual use. In the absence of pleading and proof to the contrary, it will be presumed that common law prevails in a sister state and that is the same as in the state of the forum and in the instant case the Statutes of Wisconsin 1945, section 196.67 apply. Knutson v Lambert, 235 M 328, 51 NW(2d) 580.

A distributor of electricity is not an insurer against accidents or injuries. Electric companies, when erecting and maintaining lines for transmission of high voltage current, are held to a high degree of care, which is that care commensurate with the peril reasonably to be apprehended to those who may have occasion to come into proximity of such lines. An inference of negligence based on an inferred

fact, of which there is neither evidence nor predominating probability, cannot safely be made. Anderson v Northern States Power, 236 M 196, 52 NW(2d) 434.

**182.02 BELT SHIFTERS, LOOSE PULLEYS, EXHAUST FANS**

Where a standard kitchen appliance, reasonably safe for its intended purpose, is put to an improper, unauthorized and unnecessary use by a domestic servant and such use is one which the master cannot be expected to have foreseen, the master is not negligent or liable for injuries to the servant. McDonald v Fryberger, 233 M 156, 45 NW(2d) 260.

**182.09 CHILDREN UNDER 16 NOT TO BE EMPLOYED IN CERTAIN OCCUPATIONS**

HISTORY. 1895 c 171 s 6-9; 1913 c 316 s 9, 10.

Section 182.09 is inapplicable to an action against employers for injuries suffered by a 19-year-old employee. Dalle v Ward, 223 M 265, 26 NW(2d) 217.

**182.11 PROTECTION OF HOISTWAYS, ELEVATORS**

HISTORY. 1893 c 7 s 1; 1903 c 397; 1911 c 288 s 3; 1913 c 316 s 12.

Property owners or occupiers duty to warn firemen of hidden dangers. 35 MLR 512.

**182.12 SCAFFOLDS, HOISTS; DUTY OF INSPECTOR; OVERHEAD WALKS**

HISTORY. 1893 c 7 s 3; 1903 c 397; 1911 c 288 s 3; 1913 c 316 s 13.

**182.13 SUBSTANTIAL CONSTRUCTION, REPAIR**

A fireman responding to call of duty enters land of another on status of sui generis and the duty of warning him of hidden dangers rests on the occupant. 35 MLR 512.

**182.177 DEFINITIONS**

HISTORY. 1951 c 559 s 1.

**182.178 VIOLATION OF SAFETY RULE**

HISTORY. 1951 c 559 s 2.

**182.179 CERTAIN RIGHTS NOT AFFECTED**

HISTORY. 1951 c 559 s 3.

**182.18 OWNER'S LIABILITY; NOTICE**

HISTORY. 1913 c 316 s 19; 1951 c 559 s 4.

Defendant, the owner of a lumber yard, permitted a customer to use a saw rig owned by defendant to cut rafters out of lumber he had purchased. The work was done by the customer's employees without any supervision by defendant. Because of the absence of a guard to the saw, a piece of board was thrown off by the saw striking and injuring plaintiff, an employee of the customer. The trial court did not err in granting defendant's motion for judgment notwithstanding the verdict on the ground that MSA Chapter 182, the Minnesota Factory Act, did not apply to the situation. The fact that a legislative enactment requires a particular act to be done for the protection of the interests of a particular class of individuals does not preclude the possibility that the doing of such act may be negligence at common law toward other classes of persons. Alsaker v DeGraff Lumber Co., 234 M 280, 48 NW(2d) 431.

**182.30 DUTY OF EMPLOYER**

The simple tool doctrine, under which the master is under no duty to inspect and discover defects, if any, applies to a small step stool. An inference that an instrumentality was defective is not permissible from the fact that the owner discarded it, where the uncontradicted and unimpeached testimony is to the effect that the instrumentality was in perfect condition, and that it was discarded for a reason other than for a defect therein. Person v Okes, 225 M 541, 29 NW(2d) 361.

**182.32 VENTILATION**

HISTORY. 1893 c 7 s 4, 7; 1911 c 288 s 6; 1913 c 581 s 4; 1919 c 491 s 4.

**182.37 SEPARATE TOILETS**

HISTORY. 1893 c 7 s 4, 7; 1911 c 288 s 6; 1913 c 581 s 5; 1919 c 491 s 9.

**182.39 TOILETS IN PERFECT CONDITION**

HISTORY. 1893 c 7 s 4, 7; 1911 c 288 s 6; 1919 c 491 s 11.

## CHAPTER 183

## FOUNDRIES, ELEVATORS, BOILERS; REGULATIONS

**183.01** Renumbered 183.375, subdivision 1.

**183.02** Renumbered 183.375, subdivision 2.

**183.03** Renumbered 183.375, subdivision 3.

**183.04** Renumbered 183.375, subdivision 4.

### FOUNDRIES

**183.25 NUMBER OF POUNDS SPECIFIED**

Section 183.25 relating to the number of pounds that may be lifted by a woman is not applicable to the employment of women other than in core-making rooms. OAG March 22, 1950 (217-N-1).

### ELEVATORS

**183.35 OPERATION OF ELEVATORS**

Where plaintiff who collected garbage from a restaurant operated by a tenant in the basement of defendant's building brought an action for damages sustained when the door of the elevator therein, when being operated by plaintiff, smashed his thumb, the failure of the defendant to call attention of the trial court to a statute providing that it shall be the duty of the owner of the building to provide a competent person to operate an elevator in common use, that no other person shall operate such elevator, or to support the statute as one of the grounds of supporting defendant's motion for a directed verdict, prevented such statute from being made the basis of determination of the issues on appeal. Swenson v Slawik, 236 M 403, 53 NW(2d) 107.