

MINNESOTA STATUTES 1953 ANNOTATIONS

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FOUNDRIES, ELEVATORS, BOILERS, REGULATIONS 183.35

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.

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183.38 FOUNDRIES, ELEVATORS, BOILERS, REGULATIONS

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The statute providing that elevators used by two or more tenants be operated by an operator, and city ordinance directing that manually and power operated elevator gates be equipped with interlocks, is not limited to building owners, and tenants' operation of an elevator without such gates constitutes a violation of the ordinance, and is negligence, regardless of where the responsibility lies for furnishing such equipment. *Dix v Harris Machinery Co.*, M, 60 NW(2d) 628.

BOILERS

183.38 DISTRICT BOILER INSPECTOR; INSPECTIONS; EXAMINATIONS

HISTORY. 1881 c 111 s 1; 1885 c 148 s 2; 1889 c 253 s 1; 1899 c 91 s 1; 1903 c 131 s 1; 1919 c 240 s 1; 1927 c 378.

Where there are units of state government within a state department or agency which unit obtains income and revenue from its own activities, contributions must be made to the state employees retirement fund of the 56 percent authorized by Laws 1947, Chapter 631, Section 10 (3). This applies to the state boiler inspector's office, a division of the industrial commission. OAG Feb. 16, 1948 (331-A-4).

183.40 DEPUTY INSPECTORS

HISTORY. 1881 c 111 s 2; 1885 c 148 s 3; 1889 c 253 s 2, 16; 1903 c 131 s 2.

183.42 NEGLECT TO SECURE INSPECTION

In an action under the Federal Employers' Liability Act and Boiler Inspection Act for injuries to a railroad engineer who allegedly fell backwards against the boiler when the bar for shaking the firebox grates suddenly came loose while he was using it, evidence of defects in the grate-shaking apparatus was more than speculative or conjectural, and the admission of evidence with respect thereto was within the discretion of the trial court and did not amount to reversible error. *Woodrow v Chicago, Milwaukee & Pacific Ry.*, M, 60 NW(2d) 49.

Reduction by the trial court of \$26,560 from a verdict of \$86,560 for injuries to a 50-year-old engineer, allegedly permanently incapacitating him from thereafter performing his duties, is not, considering the entire record, insufficient, and is sustained. *Woodrow v Chicago, Milwaukee & Pacific Ry.*, M, 60 NW(2d) 49.

The masters and pilots of boats operating on certain lakes through which the Mississippi River flows must have licenses as required by section 183.44, and are subject to inspection under sections 183.42 and 183.43. OAG June 9, 1949 (34-G-2).

183.44 EXAMINATIONS; REGULATIONS; LICENSING; REVOCATIONS

HISTORY. 1881 c 111 s 5; 1885 c 148 s 6; 1889 c 253 s 5; 1919 c 240 s 2.

The masters and pilots of boats operating on certain lakes through which the Mississippi River flows must have licenses as required by section 183.44, and are subject to inspection under sections 183.42 and 183.43. OAG June 9, 1949 (34-G-2).

183.47 IMPERFECT CONSTRUCTION

Reduction by the trial court of \$26,560 from a verdict of \$86,560 for injuries to a 50-year-old engineer, allegedly permanently incapacitating him from thereafter performing his duties, is not, considering the entire record, insufficient, and is sustained. *Woodrow v Chicago, Milwaukee & Pacific Ry.*, M, 60 NW(2d) 49.

In an action under the Federal Employers' Liability Act and Boiler Inspection Act for injuries to a railroad engineer who allegedly fell backwards against the boiler when the bar for shaking the firebox grates suddenly came loose while he was using it, evidence of defects in the grate-shaking apparatus was more than speculative or conjectural, and the admission of evidence with respect thereto was within the dis-

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EMPLOYMENT AGENCIES 184.15

cretion of the trial court and did not amount to reversible error. *Woodrow v Chicago, Milwaukee & Pacific Ry.,* M, 60 NW(2d) 49.

183.48 SPECIAL EXAMINATION

HISTORY. 1881 c 111 s 6; 1885 c 148 s 9; 1889 c 253 s 8.

183.51 EXAMINATIONS; CLASSIFICATIONS; QUALIFICATIONS

HISTORY. 1881 c 111 s 8; 1885 c 148 s 12; 1889 c 253 s 10; 1903 c 117; 1919 c 113 s 1; 1919 c 240 s 4; 1947 c 563 s 2.

In order to be entitled to chief engineer's license applicants must satisfy the licensing authority that their experiences are such to justify the claim that they are competent to take charge of all classes of steam boilers and steam machinery. OAG July 24, 1947 (34-F).

CHAPTER 184

EMPLOYMENT AGENCIES

184.02 LICENSES REQUIRED

HISTORY. 1885 c 205 s 1-3; 1899 c 42; 1907 c 368; 1909 c 424 s 1; 1911 c 274 s 1; 1925 c 347 s 2.

184.03 WRITTEN APPLICATION FILED

HISTORY. 1885 c 204 s 1-4; 1899 c 42; 1907 c 368; 1909 c 424; 1911 c 274 s 1, 2; 1925 c 347 s 3; 1929 c 293.

Where an employment agency proposes to operate under a different name and in a separate office from that already licensed, a new and separate license must be obtained. OAG May 19, 1952 (736-F).

184.11 LICENSES CLASSIFIED

HISTORY. 1925 c 347 s 11; 1951 c 461 s 1.

Licensed practical nurses are not professionals within the exceptions to class one employment agency licensed under section 184.11. OAG Nov. 22, 1949 (905-I).

184.15 RULES GOVERNING AGENCIES

HISTORY. 1885 c 205 s 1, 4; 1895 c 74 s 1; 1899 c 42; 1909 c 424 s 1; 1911 c 274 s 1; 1925 c 347 s 15.

The duty of investigation and enforcement of persons offending by deceptive and misleading advertising is imposed upon the commissioner of business research and development. It is his duty to investigate and determine the facts. OAG Oct. 9, 1951 (417-E).