

1934 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1934)  
(Superseding Mason's 1931 Supplement)

Containing the text of the acts of the 1929, 1931, 1933 and 1933-34 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state, federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota



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who are too blind or defective of sight to be materially benefited by the methods of instructions in vogue in the public schools, for the purpose of securing their attendance at the state school for the blind. (R. L. '05, §1937A; '07, c. 407, §1; '09, c. 396, §1; G. S. '13, §4150; '17, c. 346, §2; Mar. 27, 1931, c. 92.)

**4617. Payments by State Board of Control.**—The State Board of Control is hereby authorized to defray the necessary expenses of the aforesaid work from the appropriation for the current expenses of said board, provided, that in any county of this state now or hereafter having a population of over one hundred fifty thousand (150,000) inhabitants and an assessed valuation of over Two hundred million (\$200,000,000) Dollars, exclusive of money and credits, the county board of said county is hereby authorized to defray part or all of the necessary expenses of maintaining said work within said county from the general revenue fund of said county, not exceeding the total sum of Three thousand six hundred (\$3,600) dollars, in any one calendar year, and in carrying on said work may appoint and employ an assistant to the

regular field agent for the blind in said county, who shall work under the direction of said agent in said county. The portion of the salary of said field agent and of any such assistant to be paid by said county, shall be fixed by the county board at its first meeting after the taking effect of this act and thereafter at its first meeting in January in each year, and such salary of said field agent and said assistant shall be paid in the same manner as the salary of other county officers and employees are paid. All necessary expenses of said agent and assistant in carrying on said work in said county, not paid by the State Board of Control shall be paid by said county board as other claims against said county are paid. Any sums paid out by the State Board of Control since January 1st, 1933, for carrying on said work for the blind in any such county included in the proviso herein, may be refunded to said Board of Control by said county board out of the funds available for said work during said calendar year. (G. S. '13, §4153; '13, c. 488, §3; '17, c. 185, §1; '17, c. 346, §5; '21, c. 24, §1; '23, c. 336, §2; Mar. 2, 1933, c. 45, §1.)

Sec. 2 of Act Mar. 2, 1933, provides that the act shall take effect from its passage.

## CHAPTER 27

### State Public School

#### 4619. Commitments of school by juvenile courts.

Where indigent children are committed to state public school at Owatonna but are placed on waiting list, parents and, if they cannot pay, village of their legal settlement are liable for support of children. Op. Atty. Gen., June 14, 1932.

#### 4620. State Board of Control to assume guardianship.

Commitment by one county of child having legal settlement in another county binds the committing county for the future care of such child, as an indigent person after its return by the school. Op. Atty. Gen., July 21, 1930.

## CHAPTER 28

### Railroads, Warehouses and Grain

#### RAILROAD AND WAREHOUSE COMMISSION

##### 4634. Secretary—Employees.

Moneys credited to "grain inspection fund" are moneys belonging to state which legislature may appropriate any way it sees fit. Op. Atty. Gen., May 16, 1933.

##### 4638. Proceedings before commission—How commenced.

21F(2d)4, notes under §4700.

The position of Superintendent of Waterworks in the city of Eveleth is within this act, such officer not being the head of a department. 179M99, 228NW447.

Commission was without jurisdiction where it acted upon an informal letter from telephone company. Dayton Rural Telephone Co. v. N., 248NW218.

##### 4639. Notice to respondent.

21F(2d)4, notes under §4700.

##### 4640. Answer.

21F(2d)4, notes under §4700.

##### 4641. Hearings before railroad and warehouse commission.

21F(2d)4, notes under §4700.

##### 4644. Complaint that rate is unreasonable—Duty of commission.

21F(2d)4, notes under §4700.

##### 4650. Procedure for appeals to district court from orders of Railroad and Warehouse Commission.

Chi. M. St. P. & P. R. Co., (DC-Minn), 50F(2d)430; notes under §4651.

Where order of Railroad Commission did not affect bus service in Hennepin County appeal to the district court of that county was without jurisdiction. 179M90, 228NW 444.

On appeal from order granting electric railway leave to abandon line, it was error to refuse villages affected opportunity to be heard. Minneapolis & St. Paul Sub. R. Co. v. V., 186M573, 244NW61. See Dun. Dig. 8082.

##### 4651. Proceedings on appeal—Orders not appealed from.

172M601, 215NW188.

Findings of fact of Railroad Commission are prima facie correct on appeal. 177M136, 225NW94.

An order of the railroad commission for the separation of grades at highway crossings is prima facie valid, the burden of proof being upon appellant, and the question being a judicial one for determination of whether the order is lawful and reasonable, the suit is of a civil nature and is removable to the federal court by the railroad company though such company initiated the proceedings before the commission, but the city took an appeal and thus assumed the position of a plaintiff in the controversy. Chicago, M. St. P. & P. R. Co., (DC-Minn), 50F(2d)430. See Dun. Dig. 1589, 8082, 8389.

On the trial of an appeal from an order of the railroad and warehouse commission to district court, findings of commission are prima facie evidence of facts and its order prima facie reasonable. Minneapolis & St. Paul Sub. R. Co. v. V., 186M563, 244NW57. See Dun. Dig. 8082.

Issue of confiscation as to telephone rates must be submitted to a judicial tribunal for determination upon its own independent judgment as to both law and facts. Western Buse Telephone Co. v. N., 248NW220.

##### 4657. Costs and attorney's fees.

Attorney's fees were properly allowed. 177M136, 225 NW94.

##### 4659. Appeals to Supreme Court.

172M601, 215NW188.

Where district court has reversed a rate-fix-order of railroad and warehouse commission, an appeal by state and applicant does not stay entry of judgment unless so directed either by this court or district court. State v. Dist. Court., 250NW7. See Dun. Dig. 8082a.

##### 4662. Dangerous crossings.

The Railroad and Warehouse Commission may require the construction of an overhead or underground crossing and divide the cost between the railroad company and the highway department. Where a highway is carried over railroad tracks by a bridge, the railroad company may be required to construct the bridge and the approaches, but not a part of the highway outside both bridge and approaches. 176M501, 223NW915.

##### 4663. Report and order—Flagmen, etc.

176M501, 223NW915.