

1938 Supplement  
To  
**Mason's Minnesota Statutes**  
1927

(1927 to 1938)  
(Superseding Mason's 1931, 1934, and 1936 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, and 1937 General Sessions, and the 1933-34, 1935-36, 1936, and 1937 Special Sessions 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 digest of all common law decisions.



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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 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. That any and all payments heretofore made under said law by such county are hereby legalized. ('13, c. 488, §3; G. S. '13, §4153; '17, c. 185, §1; '17, c. 346, §5; '21, c. 24, §1; '23, c. 336, §2; Mar. 2, 1933, c. 45, §1; Apr. 29, 1935, c. 307.)

See §3199-60 herein.

#### 4617-1. [Repealed.]

Repealed Apr. 21, 1937, c. 324, §27, post, §3199-89, effective as provided in §3199-87.

The operative effect of this section is suspended during the continuance of payments of federal aid under the Social Security Act [Mason's U. S. Code Anno., title 42, c. 7]. See §3199-62 herein.

## 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.

Minor child retains settlement of mother at time of commitment to state board of control. Op. Atty. Gen. (339d), Sept. 9, 1935.

A child returned from state public school to be committed to state guardianship as feeble-minded is a charge upon county from which he was first committed. Op. Atty. Gen. (840a-6), July 17, 1936.

Upon discharge from guardianship of state board of control on attaining 18 years of age, pauper is resident of county from which committed, and not county where she resided at time of discharge, though such person may gain a settlement in his own right upon sufficient residence. Op. Atty. Gen. (3390-2), Jan. 12, 1937.

Child upon discharge by board of control becomes charge on account of commitment, even though county has township poor system of relief. Op. Atty. Gen. (840a-6), July 15, 1937.

#### 4622. Discharge of child.

Discharge from state public school through error and mistake may be revoked where child is still in school. Op. Atty. Gen. (840a-4), Jan. 12, 1937.

## CHAPTER 28

### Railroads, Warehouses and Grain

#### RAILROAD AND WAREHOUSE COMMISSION

##### 4628. Election, etc.

Control of public utilities in Minnesota. 16MinnLawRev457.

History of public utility regulation in Minnesota. 16MinnLawRev471.

##### 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.

Backus-Brooks Co. v. Northern Pac. Ry. Co. (CCA8), 21F(2d)4, notes under §4700.

Murphy Motor Freight Lines v. W., 191M49, 253NW1; note under §4650.

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., 188M547, 248NW218.

##### 4639. Notice to respondent.

Backus-Brooks Co. v. Northern Pac. Ry. Co. (CCA8), 21F(2d)4, notes under §4700.

Failure to comply with the provisions of this section rendered proceeding nugatory. Op. Atty. Gen. (371b-13), May 12, 1936.

##### 4640. Answer.

Backus-Brooks Co. v. Northern Pac. Ry. Co. (CCA8), 21F(2d)4, notes under §4700.

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

Backus-Brooks Co. v. Northern Pac. Ry. Co. (CCA8), 21F(2d)4, notes under §4700.

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

Backus-Brooks Co. v. Northern Pac. Ry. Co. (CCA8), 21F(2d)4, notes under §4700.

Murphy Motor Freight Lines v. W., 191M49, 253NW1; note under §4650.

##### 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, 228NW444.

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.

To become a complainant in a proceeding before the Railroad and Warehouse Commission under Motor Vehicle Transportation Act so as to have an appeal from commission's order go to district court of county of person's residence, a verified complaint, with parties designated as prescribed by §§4638 and 4644, must be filed with commission. Murphy Motor Freight Lines v. W., 191M49, 253NW1. See Dun. Dig. 8082.

Where commission on its own motion instituted proceeding, appeal from order made was properly taken to district court of one of counties wherein appellant was ordered to cease his transportation operations. Id.

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

172M601, 215NW188.

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.

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

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 Euse Telephone Co. v. N., 188M524, 248NW220.