

GENERAL STATUTES
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MINNESOTA
1923

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HUBERT HARVEY, OF THE ST. PAUL BAR

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ploye to prohibit or prevent the owner or his representative of any dead stock in such yard from selling or otherwise disposing of such stock. ('19 c. 461 § 10)

5265. Violation a gross misdemeanor—Any persons violating the provisions of this act shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished accordingly. ('19 c. 461 § 11)

5266. Inconsistent acts repealed—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. ('19 c. 461 § 12)

5267. Valuation of public stockyards—The Railroad and Warehouse Commission, hereinafter designated the commission, shall whenever it deems the same necessary for the purpose of establishing and fixing a reasonable schedule of charges and prices for driving, watering, feeding, yarding, weighing and caring for stock and for every kind of service, performed by any public stockyards, pursuant to chapter 461, General Laws 1919, determine the value of all the property of any public stockyards devoted to public use, and shall after notice to the companies operating such public stockyards, hold such public hearings as will give all interested parties a chance to furnish evidence and be heard. For the purpose of this act the commission is authorized to appoint engineers, examiners, experts, clerks, accountants and other assistants as it may deem

necessary at such rates of compensation as it may prescribe.

In the discharge of their duties such appointees shall have every power of any inquisitorial nature granted in this act to the commission. The commission may conduct any number of investigations contemporaneously through its individual members or appointees, and may delegate to its individual members the taking of all testimony on any investigation or hearing. (Ex. Sess. '19 c. 41 § 1)

5268. Statement to be filed—It shall be the duty of the commission at all times to keep up the physical valuation of the property of public stockyards, and for this purpose may require a detailed statement showing the changes in the physical conditions of the properties of any stockyards company. Such statement shall be filed each year at such time as the commission may direct, and shall be verified by the president, chief engineer, or the proper accounting officer of such stockyards company. (Ex. Sess. '19 c. 41 § 2)

5269. Appropriation—For the purpose of making the valuation herein provided, there is appropriated out of the general revenue fund not otherwise appropriated, the sum of ten thousand dollars (\$10,000.00), to be available January 1st, 1920. (Ex. Sess. '19 c. 41 § 3)

Appropriation for supervision of public stockyards. Ex. Sess. '19 c. 43.

CHAPTER 28A

DEPARTMENT OF WEIGHTS AND MEASURES

5270. Department created—Jurisdiction of Railroad and Warehouse Commission—There is hereby created a department to be known as the department of "weights and measures," hereafter referred to as the department, and it shall be under the jurisdiction of the Railroad and Warehouse Commission, hereafter referred to as the commission, which shall have supervision and control over all weights, weighing devices and measures in the state. ('11 c. 156 § 1) [4611]

Act construed and held not unconstitutional as interference with freedom of contract. Nor does it violate Const. art. 4 § 27. (118-128, 136+565). Ordinance not in conflict with Statute (121-202, 146+106). Not violative of constitution (124-308, 144+963).

5271. Commissioner of weights and measures—Deputies and employes—The commission shall appoint a commissioner of weights and measures and such deputies and other employes as may be necessary to carry out the provisions of this chapter, and fix their compensation. The commissioner of weights and measures and the deputies shall give a bond in a sum to be fixed and approved by the commission. The commission shall provide for such examinations as it may deem necessary to determine the qualifications and fitness of appointees. ('11 c. 156 § 2) [4612]

118-128, 136+565.

5272. Commissioner of weights and measures salary \$2,500 and deputies \$1,500—The salary of the commissioner of weights and measures shall be twenty-five hundred (\$2,500.00) dollars per annum, and all deputies not to exceed fifteen hundred (\$1,500.00) dollars per annum. ('19 c. 454 § 1)

5273. Fees to be paid into state treasury—All moneys collected by the department for special services, fees and penalties shall be paid into the state treasury, and credited to a fund known as the weights

and measures fund, and available for the use of the department of weights and measures. ('19 c. 454 § 2)

5274. Inconsistent acts repealed—All acts or parts of acts conflicting with this act are hereby repealed. ('19 c. 454 § 3)

5275. Rules and regulations—The commission shall prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter, and it may change, modify or amend any or all rules whenever deemed necessary, and the rules so made shall have the force and effect of law. ('11 c. 156 § 3) [4613]

5276. Duties and powers of department—Standard of weights and measures—The department shall take charge of, keep and maintain in good order the standard of weights and measures of the state and submit them to the bureau of standards of Washington, D. C., for certification when it is deemed necessary; and shall keep a seal so formed as to impress the letters "MINN" and the date of sealing upon the weights and measures that are sealed; it shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be necessary, all the copies of the standards used throughout the state for the purpose of testing the weighing or measuring apparatus used in the state, and keep a record thereof; it shall have general supervision of the weights, measures and weighing or measuring devices offered for sale, sold or in use in the state; and shall, upon the written request of any person, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the state; it shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the state, and shall annually during the first fifteen

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25 426
206-NW 396
23-G.S. 5298
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165-M 268
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163-M 143
203-NW 979

(15) days of January, make a report of its actions to the governor of the state. ('11 c. 156 § 4) [4614]

5277. Inspecting, testing, sealing — Incorrect weights, measures, etc.—The department or any of its employes shall have power to inspect and test all weights, scales, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments for measurement that are kept, offered or exposed for sale, or sold, or used or employed within this state by any person in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and it shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the state are correct. In the general performance of this duty the department, or any of its employes, may enter or go into and upon any stand, place, building or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever and require him, if necessary, to proceed to some place which the scaler may specify for the purpose of making proper tests. Scales, weights, measures or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department shall be sealed with proper devices to be approved by the commission. Any employe shall condemn, seize and destroy incorrect weights, measures or weighing or measuring devices which, in the judgment of the department cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired, shall be marked as "condemned for repair," in the manner to be prescribed by the department. The owners or users of any scales, weights, measures or weighing or measuring instrument which have been so disposed of shall have the same repaired or corrected within thirty (30) days, and the same shall not be used or disposed of in any way without the consent of the department. ('11 c. 156 § 5) [4615]

5278. Offenses and penalties, etc.—Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or weighing or measuring device, or any weight or measure or weighing or measuring device which has not been sealed within one year, as provided by this law, or use the same in the buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure or weighing or measuring device, or remove any tag placed thereon by any authorized employe of the department, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or shall refuse to pay any fee charged for testing and sealing or condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor, and shall, upon conviction, be fined a sum not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, and the costs of such proceeding. No scale, weight, measure, or weighing or measuring device that has been sealed by the department shall be used, sold or

exposed for sale until the fee charged for the service has been paid. ('11 c. 156 § 6) [4616]

Statute is a police regulation 124-307, 144+963.

5279. Hindering official a misdemeanor—Any person hindering, impeding or restricting in any way any employe of the department while in the performance of his official duty shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or by imprisonment for not less than ten (10) days nor more than ninety (90) days for each offense. ('11 c. 156 § 7) [4617]

5280. Powers as special policemen—The said department and all authorized employes under the provisions of this act are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of law. ('11 c. 156 § 8) [4618]

Section 9 made an appropriation.

5281. Duty of treasurers—The state treasurer and the county treasurers of the various counties shall deliver to the department all standards of weights and measures, balances, testing apparatus and sealing equipment now in their possession within ninety (90) days after the passage of this act. ('11 c. 156 § 10) [4619]

5282. Abolishing fee for inspection of weights and measures—No fee shall be charged for the regular annual inspection of scales, weights, measures and weighing or measuring devices. At all other times, the cost of the inspection shall be paid by the owner when the same is performed at his request, and when made at the request of some other person the cost shall be paid by the owner, if the scale, weight, measure and weighing or measuring device is found to be incorrect; otherwise by the person making the request. The commission shall have power to fix the fees and expenses for all special services. The sum of ten thousand dollars (\$10,000.00), together with the sum in the weights and measures fund, is hereby appropriated for the payment of salaries of employes and expenses of said department for the fiscal year ending July 31st, 1915, and thirty thousand dollars (\$30,000.00) annually for the fiscal years ending July 31st, 1916 and 1917, and the same or so much thereof as may be necessary, shall be allowed and paid by the state, upon the approval of a member of the Railroad and Warehouse Commission, and the state auditor. All moneys collected by the department for special services, fees and penalties shall be paid into the state treasury, and credited to the state revenue fund. ('11 c. 156 § 11, amended '15 c. 281 § 1) [4620]

5283. Construction of "person"—The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employe thereof. ('11 c. 156 § 12) [4621]

5284. Laws unrepealed—This act shall not apply to nor repeal section 2059 of the Revised Statutes of 1905, chapter 357 of the Laws of 1907, or chapter 319 of the Laws of 1909. ('11 c. 156 § 13) [4622]

5285. Laws repealed—All acts or parts of acts conflicting with the provisions of this law are hereby repealed, and this act shall take effect and be in force from and after the first day of July, 1911. ('11 c. 156 § 14) [4623]

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163-M 143
203-NW 979

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58-M 334
97-NW 738