

CHAPTER 174—S. F. No. 976.

An act to legalize mortgages or deeds of trust executed by public service corporations in certain cases.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Certain mortgages or deeds of trust legalized.—In all cases where any public service corporation owning property in this state has heretofore mortgaged or executed deeds of trust of the whole or any part of its property and franchises to secure money borrowed by it for the construction or equipment of its properties, and for its corporate purposes, and issued its corporate bonds bearing interest at a rate of not exceeding seven per cent per annum, and such mortgages or deeds of trust have been duly executed and are valid in all respects except as to the rate of interest specified therein, such mortgages and deeds of trust are hereby legalized and made valid in all respects.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1919.

CHAPTER 175—H. F. No. 114.

An act to compensate workmen for time consumed while waiting for the payment of their wages after the same are due and owing.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Penalty for failure to pay wages promptly.—Whenever any person, firm, company, association or corporation employing labor within this state discharges a servant or employe from his employment, the wages actually earned and unpaid at the time of such discharge shall become immediately due and payable, upon demand of such employe, at the usual place of payment, and if not paid within twenty-four hours after such demand, whether such employment was by the day, hour, week, month or piece, such discharged employe may charge and collect wages at the rate agreed upon in the contract of employment, for such period, not exceeding fifteen days (after the expiration of said twenty-four hours) as the employer is in default, until full payment or other settlement, satisfactory to said discharged employe, is made.

Sec. 2. Notice to be given—Settlement of disputes.—Whenever any such employe (not having a contract for a definite period of service), quits or resigns his employment, the wages earned and unpaid at the time of such quitting or resignation shall become due and payable within five days thereafter, at the usual place of payment, and any such employer failing or refusing to pay such wages, after they so become due, upon the demand of such employe at such place of payment, shall be liable to such employe from the date of such demand for an additional sum equal to the wages

provided in said contract of employment, for every day (not, however, exceeding fifteen days in all), until, such payment or other settlement satisfactory to said employe, is made; provided, that if any employe having such a contract as is above defined, gives not less than five days' written notice to his employer of his intention to quit such employment, the wages of the employe giving such notice shall become due at the usual place of payment twenty-four hours after he so quits or resigns, and payment thereof may be demanded accordingly, and the penalty herein provided shall apply in such case from the date of such demand; provided, further, that if the employer disputes the amount of wages claimed by such employe under the provisions of this, or the preceding section, and the employer in such case makes a legal tender of the amount which he in good faith claims to be due, he shall not be liable for any sum greater than the amount so tendered and interest thereon at the legal rate, unless, in an action brought in a court having jurisdiction, such employe recovers a greater sum than the amount so tendered with such interest thereon; and if, in such suit, said employe fails to recover a greater sum than that so tendered, with interest as aforesaid, he shall pay the cost of such suit; otherwise the cost thereof shall be paid by said employer; provided, further, that in cases where such discharge or quitting employe was, during his employment intrusted with the collection, disbursement or handling of money or property, the employer shall have ten secular days after the termination of the employment, to audit and adjust the accounts of such employe before his or her wages shall become due and payable, and the penalty herein provided shall apply in such case only from the date of demand made after the expiration of such period allowed for such audit and adjustment; and if, upon such audit and adjustment of said accounts of such employe, it is found that any money or property intrusted to him by his employer has not been properly accounted for or paid over to the employer, as provided by the terms of the contract of employment, such employe shall not be entitled to the benefit of this act, but the claim for earned and unpaid wages of such employe, if any, shall be disposed of as provided by existing law.

Sec. 3. When employe shall not be entitled to benefits.—No such servant or employe who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment. Provided, when any number of employes enter upon a strike, the wages due such striking employes at the time of entering upon such strike shall not become due until the next regular pay day after the commencement of such strike.

Sec. 4. Construction.—This act shall not be construed to apply to any person employed exclusively as a farm laborer, nor to any employer or an individual, copartnership or corporation that

is bankrupt, or where a receiver or trustee is acting under the direction of the court. Payment or tender by check drawn on a bank situated in the county where a laborer is employed shall be a sufficient payment or tender to comply with the provisions of this act.

Sec. 5. Costs to be paid by defendant.—In any action by any such employe as is described in this act, for the recovery of unpaid wages after the time when such wages shall have become due, as herein provided, there shall be allowed to the plaintiff, and included in any judgment rendered in his favor, in addition to his disbursement allowed by law, if the judgment be recovered in a justice court, five dollars cost, and a like sum if the judgment be recovered in municipal court and such plaintiff shall be allowed double statutory costs in any such action in any court in which statutory costs are now allowed by law in ordinary actions.

Sec. 6. Inconsistent acts repealed.—All acts, or parts of acts, inconsistent with this act, are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 4, 1919.

CHAPTER 176—H. F. No. 207.

An act to amend Subsection "G" of Section 8230, General Statutes 1913, relating to the compensation of injured employes and defining the terms employe and workman and excepting therefrom employes of cities governed by home rule charters, who are compensated under the terms of said charters.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Employes of cities operating under home rule charter excepted from provisions of section 8230, G. S. 1913.—That subsection "G" of section 8230, General Statutes 1913, be, and the same is hereby amended so as to read as follows: (g) The terms "employe" and "workman" are used interchangeably and have the same meaning throughout this act and shall be construed to mean:

(1) Every person in the service of a county, city, town, village, or school district therein, under any appointment or contract of hire, express or implied, oral or written; but shall not include any official of any county, city, town, village, or school district therein, who shall have been elected or appointed for a regular term of office, or to complete the unexpired portion of any regular term, *nor shall it include any employe, of a city operating under a home rule charter for whom a mode and manner of compensation is provided in said charter which is different from that provided by chapter 467, Laws of 1913, as amended.*

(2) Every person not included in section 8, in the service of another under any contract of hire, express or implied,