

of all the candidates to be voted for in the entire city, *those* to be voted for in any single ward being indicated by the words and figures 'First Ward' and so on."

In city primary elections in cities having home rule charters, primary election ballots on white paper shall be prepared carrying out the intent of said charters in said cities, placing all names of candidates for city office on one ballot in each city without any party designation whatever, *if the charter so provide*, in such cities, except for the omitting of all party designation, the provisions of this section shall be followed as full as practicable. The city clerk at least one week before the city primary election, shall publish a sample of the city primary ballot for city election in the official newspaper of the city, and post a sample printed copy in his office for public inspection.

Approved April 8, 1933.

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CHAPTER 173—S. F. No. 639

*An act to amend Mason's Minnesota Statutes 1927, Sections 4127 and 4128, relating to penalty for failure to pay wages.*

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

Section 1. **Penalty for failure to pay wages promptly.**—That Mason's Minnesota Statutes for 1927, Section 4127, be and the same hereby is amended to read as follows:

"4127. Whenever any person, firm, company, association or corporation employing labor within this state discharges a servant or employe from his employment, the wages *and/or commissions* 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 *or by commissions*, such discharged employe may charge and collect *the amount of his average daily earnings* 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.**—That Mason's Minnesota Statutes for 1927, Section 4128, be and the same hereby is amended to read as follows: .

"4128. Whenever any such employe (not having a contract for a definite period of service), quits or resigns his employment, the wages *and/or commissions* 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 *and/or commissions*, 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 *amount of his average daily earnings* 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 *and/or commissions* 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 *and/or commissions* 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 *and/or commissions* 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 *and/or commissions* of such employe, if any, shall be disposed of as provided by existing law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1933.

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CHAPTER 174—S. F. No. 705

*An act amending Mason's Minnesota Statutes of 1927, Section 739, relating to appropriations for certain agricultural developments in certain counties.*

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

Section 1. **Appropriations for certain agricultural developments.**—That Mason's Minnesota Statutes of 1927, Section 739, be amended to read as follows:

"739. The board of county commissioners of any county in this state having less than 225,000 inhabitants, may appropriate annually out of the general revenue fund of such county, a sum of money not exceeding a sum equal to five cents per capita of the population of such county according to the last census, either federal or state, of such county. Such sum so appropriated shall be paid to any incorporated development society or organization of this state which in the opinion of the board of county commissioners will use such money for the best interests of such county in advertising, improving or developing the agricultural resources of such county, and such other matter as may tend to a development of the county; provided that in any such county having an assessed valuation of over *two hundred million, (\$200,000,000)* dollars, the county board of said county may appropriate a sum not exceeding a sum equal to ten cents per capita of the population of such county for the carrying on of said work in said county."

Approved April 8, 1933.