

unpaid, said commission shall issue numbered certificates for such indebtedness, and such certificates shall be received on the same basis as the bonds and for all the purposes contemplated by this act; but no claims shall be received from contractors or sub-contractors under any railroad company.

SEC. 9. Such commission shall advertise in at least three (3) of the State papers having greatest circulation, during a period of two (2) weeks, where and at what time they will hear and ascertain such claims, such places being Owatonna, Winona and St. Paul, and shall make their report to the Governor by the first (1st) day of March, A. D. eighteen hundred and seventy-nine (1879), giving a detailed account of the amounts of such claims allowed. Such commission shall each be allowed a compensation of five (\$5) dollars per day and ten (10) cents per mile for each mile actually traveled in going to and returning from the places appointed for the meetings of said commission. *Provided,* That such commission shall not be allowed compensation for more than twenty (20) days in the adjustment of said claims.

Advertisement  
of meeting of  
commission.

SEC. 10. This act shall be submitted to a vote of the people at the next general election in November, one thousand eight hundred and seventy-eight (1878). The ballots for the adoption of this act shall be "For the recovery and destruction of the railroad bonds, Yes." The ballots against the adoption of this act shall be "For the recovery and destruction of the railroad bonds, No." The returns of the election on the question shall be made and the result ascertained in the same manner provided by law for the election of State officers. If a majority shall have voted for the measure, the Governor shall make proclamation of the adoption of the same.

Submission to  
vote.

SEC. 11. This act shall take effect from and after its passage.

Approved March 9, 1878.

## CHAPTER 86.

AN ACT FOR THE BETTER PROTECTION OF THE WAGES OF MECHANICS, CLERKS, LABORERS AND OTHERS.

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

SECTION 1. That all moneys that may be due or shall hereafter become due for labor or services rendered by any mechanic, clerk, laborer or servants from any person or persons, or chartered company employing mechanics, clerks, laborers or servants either as owners, lessees, contractors or

Lien for labor.

under owners of any works, manufactory or other business of whatever description where mechanics, clerks, laborers or servants are employed, whether at so much per diem or otherwise, for any period not exceeding six (6) months immediately preceding the sale and transfer of such works, manufactory or business or other property connected therewith in carrying on said business, by executors or otherwise, or preceding the death or insolvency of such employer or employers, shall be a lien upon said works, manufactory, business or other property in and about or used in carrying on said business or in connection therewith to the extent of the interest of said employer or employers, owners or contractors, as the case may be, in said property, and shall be preferred and first paid out of the proceeds of the sale of such works, manufactory, business or other property as aforesaid. *Provided*, that [the] portion of such preferred claim of such mechanic, clerk, laborer or servant thus preferred shall not exceed two (200) hundred dollars; and, provided further, that this act shall not be construed so as to impair contracts vested or liens of record existing prior to its passage. And provided further, that no such claim shall be a lien upon any real or personal estate unless the same shall be filed, if real estate, in the office of register of deeds of the county in which such real estate is situated, within one month after the claim becomes due in the same manner as mechanics' liens are now filed, and if upon personal property, such claims shall be filed in the office of the clerk of the (town or city) in which said property is situated, in the manner provided for the filing of chattel mortgages therein.

Lien for labor  
against em-  
ployers.

Preferred  
claims—limit.

Must be filed  
within a month  
after due.

Notice in  
writing of  
claims, in case  
of executions  
or levies.

Death, insol-  
vency or assign-  
ment, lien to  
extend to all  
property.

No future mort-  
gage to impair  
liens for labor  
performed  
previously.

SEC. 2. In all cases of executions, attachments and writs of a similar nature hereafter to be issued against any person or persons, or chartered company engaged as before mentioned, it shall be lawful for such mechanics, clerks, laborers or servants to give notice in writing, of their claim or claims and the amount thereof to the officers executing either of such writs, at any time before the actual sale of the property levied upon; and such officers shall pay to such mechanics, clerks, laborers and servants, out of the proceeds of sale, the amount each is justly and legally entitled to receive, not exceeding two hundred (200) dollars, as may be agreed on by the parties in interest or by the judgment of any court of competent jurisdiction.

SEC. 3. In all cases of the death, insolvency or assignment of any person or persons or chartered company engaged in operations as hereinbefore mentioned, or of executions issued against them, the lien or preference mentioned in the first section of this act, with the like limitations and powers, shall extend to all the property of said persons or chartered company.

SEC. 4. That no mortgage or other instrument by which a lien is hereafter created, shall operate to impair or postpone the lien and preference given and secured, to the wage

and moneys mentioned in the first (1) section of this act. *Provided* that no lien of mortgage or judgment entered before such labor is performed shall be affected or impaired thereby.

SEC. 5. Any verbal or written agreement, express or implied, made by or between any person or persons, or chartered company or companies designed to act as a waiver of any right under this act or any portion thereof shall be wholly null and void.

Waiver of rights to be void.

SEC. 6. All statutes or portions of statutes inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

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

Approved March 7, 1878.

## CHAPTER 87.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS TO SETTLE ALL MATTERS OF DIFFERENCE OF THE STATE OF MINNESOTA WITH SEYMOUR, SABIN & CO.

WHEREAS, the State of Minnesota on the first day of July, A. D. one thousand eight hundred and seventy-two (1872), by its duly authorized agents, the warden and inspector of the State prison, and under the advice and instruction of the Attorney General of said State, duly and lawfully entered into a contract with George N. Seymour, Dwight M. Sabin and Jay H. Sabin, co-partners as Seymour, Sabin & Co., for the employment of the convict labor of the said State prison, at Stillwater, Minnesota, and for the rental of ground and shop-room for the profitable and convenient employment of said convicts; and whereas certain questions and differences have arisen between the State and said Seymour, Sabin & Co. as to the interpretations of the provisions of said contract, and as to the rights and duties of the parties under the same, and whereas the parties to said contract are desirous of a full and complete settlement of the differences between them, and to that end the board of inspectors and joint committees of the Senate and House of Representatives on State prisons, have proposed that the whole matter of controversy between the said parties to said contract be referred to a commission of three, one to be nominated and appointed by said Seymour, Sabin & Co., another to be nominated and appointed by the State of Minnesota, and the two so nominated to nominate and appoint the third person to constitute said commission;

Relating to a contract for prison labor.