

(10) dollars nor more than fifty (50) dollars for each offense.

SEC. 3. And, whenever in any proceedings in any court of this state to subject the wages due to any person to garnishment, it shall appear that such person is a non-resident of the state of Minnesota, that the wages earned by him were earned outside the state of Minnesota, the said person, whose wages are so sought to be subjected to garnishment, shall be allowed the same exemption as is at the time allowed to him by the law of the state in which he so resides. Non-residents.

SEC. 4. This act to take effect from and after the date of its passage.

Approved April 25th, 1895.

## CHAPTER 354.

S. F. No. 489

*An act providing for the giving of bonds by contractors for public works and improvements and for the better security of the state and the public corporations thereof, and parties performing labor and furnishing material therefor.*

95 C 354 95 C 354  
97 - 307 321 - 01  
(89-M - 330)  
72-NW 565

95 C 354  
77-M 92

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

95 C 354  
103-M - 220

SECTION 1. Before any contract whatever for the doing of any work or labor or furnishing of any skill or material to the state of Minnesota, any county, township, village, school district, city or other public corporations of the state, for the erection construction, alteration or repair of any bridge, public building or other public structure, work or improvement, or in the making of any public improvement whatsoever shall be valid for any purpose, the contractor therefor shall enter into a bond with the state or such county, township, village school district city or other public corporation for the use of the same, and also for the use of all persons who may perform any work or labor or furnish any skill or material in the execution of such contract, conditioned to pay as they become due, all just claims for all work and labor performed and all skill and material furnished in the execution of such contract, and also to save the obligee named in such bond harmless from any cost, charge and expense that may accrue on account of the doing of the work specified in such contract and also to complete such contract according to the terms thereof and the contract price, and to comply with all the requirements of law, which bond shall

Bonds of contractors for public works.

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he in an amount not less than the contract price agreed to be paid for the performance of such contract and shall be duly signed and acknowledged by such contractor and two or more sufficient sureties, which bond shall be approved by and filed in the office of the treasurer of the obligee therein named, except that the bonds so given on account of the erection of any new building for the state, or the enlargement or improvement of those already in existence, for the several state institutions, the same shall be approved by and filed with those who under authority of the state have respectively the care, control and management of the several state institutions, and except that the bonds so given to any incorporated city shall be approved by the mayor of the city and filed with the contract in the office of the custodian of such contract.

Sureties.

SEC. 2. The sureties on such bond shall take and subscribe an oath that he is a resident of the state of Minnesota and that he is seized in fee of real estate situated in said state and not exempt by law from sale on execution, of the value and worth over and above all incumbrances thereon of the sum for which he is to justify in said bond. More than two sureties may be accepted on such bond and they may justify in separate and different sums less than the sum specified in such bond, *provided* that the aggregate of their justifications shall be equal to sureties, each justifying in a sum equal to the amount of said bond. No assignment of such contract, no modification of the structure or work covered thereby and no extension of the time within which to complete such contract shall have the effect to release the sureties on said bond.

Company as  
surety.

SEC. 3. Any company organized under chapter one hundred and seven (107) of the general laws of Minnesota for 1883 entitled "An act to authorize the organization and incorporation of annuity, safe deposit and trust companies as amended" and any company referred to in and complying with the provisions of chapter 42 of the general laws of 1893 entitled "An act relative to recognizances, stipulations, bonds, obligations and undertakings and to allow corporations to be accepted as surety thereon" approved April 18th 1893 if satisfactory to the obligee therein may become sole surety under any bond required by this act and in such case so much of the provisions of this act as requires two or more good and sufficient sureties shall be considered to be fully satisfied by the execution of any such bond by such corporation, and none of the provisions of this act relating to sureties or approvals shall be required.

SEC. 4. Whoever shall perform or cause to be performed any work or labor or furnish or cause to be furnished any skill or material including any work, labor skill or material necessary in the repair of any tool or machine and including the use of any tool or machine or material furnished particularly for such contract and used therefor in the execution or such contract at the request of the contractor, his agents, heirs, administrators, executors or assigns or at the request of any subcontractor, his heirs, agents, administrators, executors or assigns, or at the request of the obligee named in said bond, in case such obligee shall have determined such contract and shall have completed the same at the cost of the contractors shall be considered a party in interest in said bond and may bring an action thereon for the reasonable value or agreed price as the case may be, of the work or labor performed or skill or material or tool or machine furnished in the performance of such contract, such action may be brought by any party authorized as hereinbefore set forth to begin the same, whenever his claims are not paid as the same become due: At the time of bringing such suit the plaintiff therein shall notify the obligee named in said bond, letting such contract, that said suit has been commenced specifying the names of the parties to said suit, the bond upon which the said suit is brought and the amount and nature of plaintiff's claim, and judgment shall not be entered on such action until thirty days after said notice has been given. Any party having a cause of action on such bond may on petition be made a party to any action which may be brought thereon and in said action the court shall adjudicate and determine the right of all parties to said action and if the amount realized on said bond shall not be sufficient to discharge all such claims in full, the amount realized shall be distributed pro-rata in discharge of the claims of the parties in said action and the obligee named in any such bond shall also be considered a party in interest and may bring an action thereon whenever a right of action thereon in favor of such obligee shall have accrued.

Party in interest.

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SEC. 5. The obligee named in any such bond, whenever in its judgment one or more of the sureties on such bond have become insolvent or for any cause are no longer proper and sufficient sureties, may require the contractor to furnish a new or additional bond within ten days after notice to that effect; and thereupon if so ordered by such obligee all work on such contract shall cease, or until such new or additional bond shall be furnished as required, and if a new or additional bond shall

Insolvent or insufficient sureties.

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not be so furnished as and within the time above required, then said obligee may at its option determine such contract and complete the same as the agent and at the expense of such contractor and bondmen.

SEC. 6. No action shall be maintained on any such bond unless the same shall be commenced within one year after the cause of action accrues.

SEC. 7. All acts and parts of acts, whether general or special, inconsistent with the provisions of this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 24th 1895.

S. F. No. 658.

## CHAPTER 355.

State reformatory.

*An act appropriating money in payment of certain claims held by the Minnesota State Reformatory*

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

Appropriation for claims.

SECTION 1. That the sum of two thousand dollars (\$2,000) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the payment to the Minnesota State Reformatory of certain bills rendered to the state on account of stone furnished thereto in the year eighteen hundred ninety-one (1891) in making repairs upon the state capital.

How paid out.

SEC. 2. The moneys hereby appropriated shall be available for the purposes of the Minnesota State Reformatory and be paid out in the manner now provided by law for the payment of the general appropriations made by the legislature for the said institution.

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

Approved April 28th, 1895.