

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

IN FORCE

JANUARY 1, 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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1888.

- Le Sueur county, 1881, c. 345.
 Le Sueur county, 1887, c. 353.
 Madison lake, Blue Earth county, 1887, c. 340.
 Meeker county, 1887, c. 352.
 Minnesota river, Chippewa and Yellow Medicine counties, 1885, c. 262.
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 Tetonka and Sakatah lakes, Waterville, Le Sueur county, Morrison, Rice county, 1879, c. 282.
 c. The "Four Lakes," Washington county, 1885, c. 277; 1887, c. 87.
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 Whipple lake, Pope county, 1881, c. 348.
 Wright county, 1879, c. 273.
 Zumbro river, Wabasha county, 1879, c. 80; 1885, c. 271.
 And the following special laws relating to fishways:
 Root river, Houston and Fillmore counties, 1885, c. 276; 1887, c. 93.
 Turtle creek, Freeborn and Mower counties, 1885, c. 274.
 Zumbro river, Oronoco village and city of Rochester, 1881, c. 126.

CHAPTER 21.

WEIGHTS AND MEASURES.

[Gen. Laws 1879, c. 95, regulating the grading and weighing of wheat, repealed 1885, c. 144; *post*, c. 124, *§ 20a *et seq.*]

***§ 9. (Sec. 10.) Bushel — Standard weight of — Illegal measures—Penalty.**

Whenever any wheat, rye, Indian corn, oats, barley, potatoes, clover-seed, buckwheat, dried apples, or dried peaches are sold by the bushel, the measure shall be ascertained by weight, as follows: Sixty pounds for a bushel of wheat, clover seed, or potatoes; fifty-six pounds for a bushel of rye or Indian corn; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley; forty-two pounds for a bushel of buckwheat; and twenty-eight pounds for a bushel of dried apples or dried peaches; and any person or persons demanding, or taking or receiving any greater number of pounds for a

bushel of either or any of the articles hereinbefore mentioned shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. (*As amended 1887, c. 22.*)

CHAPTER 23.

OF MONEY, BONDS, BILLS OF EXCHANGE, AND PROMISSORY NOTES.

*§ 1. Rate of interest.

That interest for any legal indebtedness shall be at the rate of seven dollars upon one hundred dollars for a year, unless a different rate is contracted for in writing; and no person, company, or corporation shall, directly or indirectly, take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than ten dollars on one hundred dollars for one year; and in the computation of interest upon any bond, note, or other instrument or agreement, interest shall not be compounded. But any contract to pay interest not usurious upon interest overdue shall not be construed to be usury: *provided*, that all contracts hereafter made shall bear the same rate of interest after they become due as before, and that any provision in any contract, note, or instrument providing for an increase of the rate of interest upon maturity, or any increase therein after the making and delivery thereof, shall work a forfeiture of the entire interest thereon: *provided, further*, that the foregoing proviso shall not apply to notes or contracts which bear no interest before maturity. (1879, c. 66, § 1, * *as amended 1887, c. 66.*)

When a note draws interest from date at 5 per cent., but contains no stipulation as to interest after maturity, it is proper to allow interest by way of damages at the rate of 7 per cent. after maturity. *Moreland v. Lawrence*, 23 Minn. 84.

It is not competent for parties to a contract to stipulate for a rate of interest, after due different from that which the contract bears before due. *Newell v. Houlton*, 22 Minn. 19, reviewing the earlier cases. For the early cases on this subject, see *Brewster v. Wakefield*, 1 Minn. 352, (Gil. 260,) reversed in U. S. supreme court, 22 How. 118; *Mason v. Callender*, 2 Minn. 350, (Gil. 302;); *Talcott v. Marston*, 3 Minn. 339, (Gil. 233;); *Kent v. Bown*, 3 Minn. 347, (Gil. 246.)

See, also, *McCutchen v. Town of Freedom*, 15 Minn. 217, 220, (Gil. 169, 171;); *Owsley v. Greenwood*, 18 Minn. 429, 431, (Gil. 386, 388;); *Daniels v. Wilson*, 21 Minn. 532.

See, generally, *Mackey v. Winkler*, 35 Minn. 513, 29 N. W. Rep. 337; *Avery v. Creigh*, 35 Minn. 456, 29 N. W. Rep. 154; *Egbert v. Peters*, 35 Minn. 312, 29 N. W. Rep. 134; *Els-ton v. Kelly*, 34 Minn. 409, 26 N. W. Rep. 229.

*§ 2. Interest limited to 12 per cent.

[Repealed 1879, c. 66, § 7, *post*, *§ 7*a.*]

*§ 3. Usurious interest—Recovery.

Every person who, for any such loan or forbearance, shall have paid or delivered any greater sum or value than is above allowed to be received, may, by himself or his personal representatives, recover in an action against the person who shall have taken or received the same, or his personal representa-

*"An act relating to interest on money and usury." Approved March 5, 1879. Went into effect July 1, 1879.