

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.

ST. PAUL:
WEST PUBLISHING CO.
1888.

into contract with any person or persons, or any corporation, for the execution of any order or the fulfillment of any contract for any article or articles to be made within the walls of any prison or place of confinement for the punishment of criminals of this state. (1887, c. 197, § 1.)*

***§ 113. Same—Past contracts.**

It shall be unlawful, and is hereby declared a misdemeanor, for any contractor or contractors, as aforesaid, to do, or suffer to be done, any work of any description in the manufacture of any article or articles, within prison walls or in prison buildings as aforesaid, under contract previously made for the same, and which article or articles is or are intended for use in this state, in competition with custom work done by artisan labor of this state. (*Id.* § 2.)

***§ 114. Penalty.**

And upon conviction thereof such offending person or party shall be punished by imprisonment in the county jail for a period not less than thirty days, nor more than six months, or by a fine of not less than five hundred dollars or more than five thousand dollars, or both. (*Id.* § 3.)

***§ 115. Construction of act.**

It being understood that nothing herein contained shall be construed to debar or to prevent any such contractor or contractors of prison labor from entering into a contract with persons outside of the state, providing that such article or articles manufactured under such contract are for sale and use outside of this state, or to prevent the manufacture and after-sale of any article in this state, it being the intent of this act to prevent competition with the free custom labor of the state upon work offered under contract by plans and specifications: *provided*, that nothing in this act shall be construed so as to impair the obligation of the existing contract between the state and the state prison contractors. (*Id.* § 4.)

CHAPTER 121.

OF THE GENERAL STATUTES AND THEIR EFFECT.

***§ 4. Repeals—Effect on vested rights, etc.**

Provisions of the General Statutes of 1866, simply affecting the limitation law as to a cause of action existing at the time of their adoption, are not controlled by this section, as the legislature had power to change the law of limitations as to existing rights. *Brisbin v. Farmer*, 16 Minn. 215, (Gil. 187.)

The repeal by the General Statutes of 1866 of c. 27, Laws 1862, did not restore liens which had been extinguished by operation of that act. *Grace v. Donovan*, 12 Minn. 580, (Gil. 503.)

Section 254, c. 66, Gen. St., limiting the lien of judgments to ten years, has no application to prior judgments, the lien of which was preserved by compliance with the provisions of chapter 27, Laws 1862. Such judgments were saved by this section. *Davidson v. Gaston*, 16 Minn. 230, (Gil. 202.)

See, also, *State v. Foley*, 30 Minn. 350, 15 N. W. Rep. 375.

*"An act to prevent contractors for prison labor in the state of Minnesota from manufacturing articles in competition with the custom work done by artisan labor of the state." Approved March 7, 1887. By § 5, "all acts or parts of acts conflicting with this act are hereby repealed."

necessary therefor secured to the state, they shall make report of the same to the governor, and thereupon the location as designated shall be the location of said second state prison. (*Id.* § 7.)

CONVICT LABOR.

***§ 106. Future contracts forbidden—Employment of convicts.**

That on and after the expiration of the present contracts now in force granting the labor of convicts of the state, or of any municipality to corporations or individuals, no more such contracts shall be awarded, but all convict labor, either of the state or of any municipality, shall be employed under the direction of the warden or other chief officer having charge of such convicts. (1887, c. 166, § 1.*)

***§ 107. Employment of convicts.**

All convicts of the state or of any municipality, after the passage of this act and the expiration of the contracts now in force, shall be employed in the manufacture of such articles as the board of managers of the states prisons, or the mayor and council or other governing board of municipalities, may deem to be of the most advantage—*First*, to aid the convicts in their reformation, so as to enable them to earn an honest living on their return to liberty; *second*, as a means of cheapening their cost to the state or municipality having them in charge. (*Id.* § 2.)

***§ 108. Sale of products.**

The products of all convict labor shall be sold at any time to any citizen at wholesale, at wholesale prices, to be determined by the published price current for the article manufactured, in quantities of not less than fifty dollars' worth, for cash or securities approved by the warden or other officer having charge of such convicts. (*Id.* § 3.)

***§ 109. Contracts by state prohibited—Wage labor in prisons.**

The state is prohibited by this act from taking any contract to furnish any material or article produced or manufactured, by or into which convict labor may have or has entered. And hereafter no labor shall be employed for wages in any prison in this state, on any article or thing to be sold, that will come into competition with free labor. (*Id.* § 4.)

***§ 110. Appropriation.**

There shall be appropriated out of the public funds the sum of twenty-five thousand dollars to enable the warden or other officer having charge of state convicts to purchase the necessary plant and tools to carry the provisions of this act into effect. (*Id.* § 5.)

***§ 111. Termination of present contracts—Notice.**

Immediately after the passage of this bill it shall be the duty of the governor, the state inspectors, and the warden of the state prison to forthwith serve the requisite notice upon the present contractors for the prison labor, terminating the present contracts at the earliest time possible within the limits of the present contracts. (*Id.* § 6.)

***§ 112. Contracts for prison manufactures prohibited.**

It shall be unlawful, and is hereby declared a misdemeanor, for any contractor or contractors of prison labor, within the borders of this state, to enter

*"An act regulating the employment of convict labor." Approved March 8, 1887. By § 7, "all acts or parts of acts inconsistent with this act are hereby repealed."

§ 7. Effect of repeal on limitations.

This section and c. 66, §§ 254, 262, have the effect to preserve both the lien of a judgment rendered and docketed on August 22, 1862, and the right to issue execution thereon, for a period of ten years. *Davidson v. Gaston*, 16 Minn. 230, (Gil. 202,) and *Lamprey v. Davidson*, 16 Minn. 480, (Gil. 435,) followed. *Erickson v. Johnson*, 22 Minn. 380.

§ 9. Construed as continuation of former laws.

See *Gaston v. Merriam*, 33 Minn. 271, 279, 22 N. W. Rep. 614.

CHAPTER 122.

OF THE EXPRESS REPEAL OF EXISTING LAWS.

§ 1. Repeal.

The rules of the district courts which derived their force from Laws 1862, c. 16, are repealed by this chapter, and no longer effective. *Jordan v. White*, 20 Minn. 91, (Gil. 77.)

The repeal by this chapter of chapter 45, Laws 1864, did not revive the former limitation laws relating to actions in regard to administrators' sales. *Streeter v. Wilkinson*, 24 Minn. 288. Section 2, c. 45, Laws 1864, limiting the time within which a sale by an administrator or executor might be attacked for failure to file the bond required by statute, or other irregularity, is a valid and binding exercise of legislative power. *Id.* See, also, *State v. Foley*, 30 Minn. 350, 352, 15 N. W. Rep. 375; *Erickson v. Johnson*, 22 Minn. 380; *Davidson v. Gaston*, 16 Minn. 230, (Gil. 202, 208;) *Stine v. Bennett*, 13 Minn. 153, (Gil. 138, 144.)

CHAPTER 123.

CURATIVE ACTS.*

See, as to curative legislation, *Spaulding v. Nourse*, (Mass.) 10 N. E. Rep. 179; *Johnson v. Board of Commissioners*, (Ind.) 8 N. E. Rep. 1; *Independent School-Dist. v. City of Burlington*, (Iowa,) 15 N. W. Rep. 295; *Stange v. City of Dubuque*, (Iowa,) 17 N. W. Rep. 518.

The legislature cannot legalize acts void for jurisdictional defects. *Houseman v. Kent Circuit Judge*, (Mich.) 25 N. W. Rep. 369. Nor can it, by curative legislation, interfere with vested rights. *Daniells v. Watertown Tp.*, (Mich.) 28 N. W. Rep. 673. The legislature cannot give validity to a decree of divorce void for want of jurisdiction in the court rendering it. *Israel v. Arthur*, (Colo.) 1 Pac. Rep. 438.

The legislature cannot legalize the taking of property for public use, where the proceedings therefor were had without notice to the owner. *Burns v. Railroad Co.*, 15 Fed. Rep. 177.

* As to legalization of conveyances in trust for Methodist Episcopal Churches, see *ante*, c. 34, *§ 228a. For provisions legalizing religious corporations, and change of name thereof, see *ante*, c. 34, *§§ 231b, 238a-238c.

For provisions legalizing civil corporations, see *ante*, c. 34, *§§ 421-421n. As to legalization of proceedings for incorporation under tit. 3, c. 34, and of corporate acts, see *ante*, c. 34, *§ 208j.

Legalization of bonds of independent school-districts, see *ante*, c. 38, *§ 115c.

For provisions legalizing the purchase of bonds with the proceeds of sales of agricultural college lands, see *ante*, c. 38, *§ 56a.

As to legalization of probate proceedings in case of defective notice, see *ante*, c. 47, *§§ 37, 38.