

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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CHAPTER XXII.

OFFICIAL SEALS.

SECTION.

- 1. Great seal—to remain a public record.
- 2. Device on official seals—size of same.

SECTION.

- 3. Judge may authorize use of temporary seal.
- 4. Seal of notaries public.

§ 1. Great seal—to be deposited with secretary of state. The seal heretofore used as the seal of this state, shall be the seal thereof; and a description in writing of the same shall be deposited and recorded in the office of the secretary of state, and remain a public record.

§ 2. Device on official seals—size of same. Upon every seal of a court or officer authorized or required to have a seal, there shall be engraved the same device that is engraved on the great seal of the state, together with the name of the court or office in which the seal is to be used; and all such seals shall be one inch and five-eighths of an inch in diameter.

§ 3. (Sec. 4.) Judge may authorize use of temporary seal. When any court of record is unprovided with a seal, the judge of said court may authorize the use of any temporary seal, or of any device by way of seal, until the same is provided as aforesaid.

§ 4. (Sec. 5.) Seal of notaries public. Nothing in this chapter shall be construed to prevent notaries public from using their present seal: *provided*, that if the same does not conform to the provisions of section two of this chapter, it shall not be lawful for any notary public to use the same in case of his reappointment.

Ch. 23, § 1. See 1881 Sup't., p. 41.

CHAPTER XXIII.

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

SECTION.

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INTEREST ON MONEY.

§ 1. Rate of interest. 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 all contracts shall bear the same rate of interest after they become due as before, if it clearly appears therefrom that such was the intention of the parties; but no contract for a greater rate of interest than twelve dollars upon one hundred dollars for a year, shall be valid for the excess of interest over twelve per cent.

2 M. 302 (350); 3 M. 238 (339); 246 (347); 15 M. 217; 21 M. 415, 530; 22 M. 19,341; 23 M. 84.

*§ 2. **Limits rate of interest to 12 per cent.** *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 twelve 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. (1877, c. 15, § 1.)

*§ 3. **Usurious interest may be reclaimed by action.** 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 representative, the full amount of interest or premium so paid, with costs, if such action shall be brought within two years after such payment or delivery: *provided*, that one-half of the amount so recovered shall be paid, by the officer collecting the same, into the county treasury of the county where such penalty is collected, for the use of the common schools. (*Id.* § 2.)

*§ 4. **Contracts—evidences of debt—bona fide holders.** All bonds, bills, notes, assurances, conveyances, chattel mortgages, and all other contracts and securities whatsoever, and all deposits of goods, or anything whatsoever, whereupon or whereby there shall be reserved, secured or taken any greater sum or value for the loan or forbearance of any money, goods or things in action, than is above prescribed, shall be void, except as to *bona fide* purchasers of negotiable paper, as hereinafter provided, in good faith, for a valuable consideration, before maturity, whether the sum or value so secured, received or taken, shall appear in or from such bond, bill, note, assurance, conveyance or contract, or otherwise: *provided*, that no merely clerical error in the computation of interest, made with no intent to avoid the provisions of this act, shall constitute usury: *provided further*, that interest at the rate of one per centum for every thirty days shall be construed to not exceed twelve per centum per annum: *provided further*, that the payment of interest in advance for one year, at a rate not to exceed twelve per centum per annum, shall not be construed to constitute usury: *provided further*, that nothing herein shall be construed to prevent the purchase of negotiable mercantile paper, usurious or otherwise, for a valuable consideration, by an innocent purchaser, free from all equities, at any price, before the maturity of the same, where there has been no intent to evade the provisions of this act, or where said purchase has not been part of the original usurious transaction. In any case, however, where the original holder of an usurious note sells the same to an innocent purchaser, the maker of said note, or his representatives, shall have the right to recover back from the said original holder the amount of principal and interest paid by him on said note. (*Id.* § 3.)

*§ 5. **Parties offending must answer on oath.** Every person, company or corporation, offending against the provisions of this act, shall be compelled to answer on oath any complaint that may be exhibited or filed against him in the district court for the proper county, for the discovery of any sum of money, goods, or things in action so taken, accepted or received in violation of any of the foregoing provisions. (*Id.* § 4.)

*§ 6. **Parties may be witnesses—interest after maturity.** Whenever, in any action in any court, the defendant shall plead or answer the defence of usury, either party to the action may be a witness in his own behalf on the trial, except in actions in which the opposite party sues or defends as administrator or per-

*An act to amend section one, chapter twenty-three, of the Revised Statutes of one thousand eight hundred and sixty-six, the same being chapter thirty-eight, Bissell's Statutes, relating to interest on money. Approved, March 6, 1877. (Laws 1877, c. 15.)

sonal representative of a deceased person; except, also, actions in which the opposite party claims as assignee, and the original assignor is deceased. In the case of all notes or other instruments bearing interest, when no rate of interest is specified after maturity, the said note or other instrument shall be construed to bear the same rate of interest after maturity as before, and until fully paid and satisfied. (1877, c. 15, § 5.)

*§ 7. **Usurious contracts, etc., to be void.** Whenever it shall satisfactorily appear to a court that any bond, bill, note, assurance, pledge, conveyance, contract, security, or other evidence of debt, has been taken or received in violation of the provisions of this act, the court shall declare the same to be void, and enjoin any proceeding thereon, and shall order the same to be cancelled and delivered up. (Id. § 6.)

*§ 8. **Building societies exempt from usury law.** That none of the provisions of an act entitled, "An act to amend section one of chapter twenty-three of the General Statutes of one thousand eight hundred and sixty-six, the same being chapter thirty-eight of the Statutes at Large, relating to interest on money," shall apply to mutual building associations. (1877, c. 95, § 1.)

BONDS.

§ 9. (SEC. 2.) **Corporate bonds to be negotiable.** Bonds and other obligations under seal for payment of money, payable to the bearer, or some person designated or bearer, or payable to order, issued by any corporation or joint-stock company, shall be negotiable in the same manner and to the same extent as promissory notes,

BILLS OF EXCHANGE AND PROMISSORY NOTES.

§ 10. (SEC. 3.) **Bills and notes, when falling due in certain cases.** Bills of exchange, drafts, promissory notes, and contracts, due or payable, or to be executed on Sunday, Thanksgiving Day, Good Friday, Christmas Day, New Year's Day, the twenty-second day of February, the fourth day of July, or on the following day when either of the four days last mentioned occurs on Sunday, shall be payable or performable upon the business day next preceding said days; and in case of non-payment or non-fulfilment, shall be noted and protested upon such preceding day; but notice of the dishonor, non-payment or non-fulfilment need not be given until the business day next following the days above specified. (As amended 1871, c. 46, § 1.)

§ 11. (SEC. 4.) **Demand notes, when dishonored.** Upon a promissory note payable on demand, a demand made at the expiration of sixty days from the date thereof without grace, or at any time within that term, shall be deemed to be made within a reasonable time; and any act, neglect or other thing, which, by the rules of law and the customs of merchants, is deemed equivalent to a presentment and demand on a note payable at a fixed time, or which would dispense with such presentment and demand, if it occurs at or within said term of sixty days, shall be deemed a dishonor thereof, and shall authorize the holder of such note to give notice of the dishonor to the endorser as upon a presentment to the promisor, and his refusal or neglect to pay the same. No presentment of such note to the promisor and demand of payment shall charge the endorser, unless made on or before the last day of said term of sixty days.

§ 12. (SEC. 5.) **Liability of indorsers of demand notes.** The several indorsers of promissory notes payable on demand, upon due and reasonable notice of the dishonor of such notes, shall be liable in the same manner and to the same effect as upon the dishonor of promissory notes payable at a fixed time, and not otherwise.

§ 13. (SEC. 6.) **Acceptance to be in writing.** No person within this state shall be charged as an acceptor on a bill of exchange, unless his acceptance is in writing, signed by himself or his duly authorized agent.

§ 14. (SEC. 7.) **Rate of damages on foreign bills.** Whenever any bill of exchange, drawn or endorsed within this state, and payable without the limits of the United States, is duly protested for non-acceptance or non-payment, the party liable for the contents of such bill, shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of the demand, and damages at the rate of ten per cent. upon the contents thereof, together with interest on the said contents, to be computed from the date of the protest; and said amount of contents, damages and interest shall be in full of all damages, charges and expenses.

§ 15. (SEC. 8.) **Rate of damages on inland bills.** If any bill of exchange, drawn upon any person, or body politic or corporate, out of this state, but within the United States, for the payment of money, is duly presented for acceptance, or payment, and protested for non-acceptance or non-payment, the drawer or indorser thereof, due notice being given of such non-acceptance or non-payment, shall pay said bill, with legal interest, according to its tenor, and five per cent. damages, together with costs and charges of protest.

§ 16. (SEC. 9.) **Promissory notes payable to maker, etc.** Promissory notes made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect, and be of the same validity as against the maker, and all persons having knowledge of the facts, as if payable to bearer.

§ 17. (SEC. 10.) **Days of grace.** On all bills of exchange payable at sight, or at a future day certain, within this state, and on all negotiable promissory notes, orders and drafts, payable at a future day certain, within this state, in which there is not an express stipulation to the contrary, grace shall be allowed in like manner as it is allowed by the custom of merchants on foreign bills of exchange, payable at the expiration of a certain period after date or sight.

§ 18. (SEC. 11.) **Same—demand notes, etc.** The provisions of the preceding section shall not extend to any bill of exchange, note or draft, payable on demand.

CHAPTER XXIV.

REGULATION OF LABOR.

SECTION.

1. Ten hour rule—penalty for violation,

SECTION.

2. Such rule to prevail in absence of contract.

§ 1. **Ten hour rule to govern, when.** In all manufactories, workshops, and other places used for mechanical and manufacturing purposes in this state, where children under the age of eighteen years and women are employed, the time of labor of the persons aforesaid shall not exceed ten hours for each day; and any owner, stockholder or overseer, employer, clerk or foreman, who compels any woman or any child under eighteen years of age to labor in any day exceeding ten hours, or permits any child under the age of fourteen to labor in any factory, workshop or other place used for mechanical or manufacturing purposes, for more than ten hours in any one day, where such owner, stockholder, overseer, employer, clerk or foreman has control, such person so offending shall be liable to a prosecution in the name of the state of Minnesota, before any justice of the peace, or court of competent jurisdiction, of the county wherein