

89022

GENERAL STATUTES OF  
MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES  
AND OTHER LAWS OF A GENERAL AND PERMANENT  
NATURE, ENACTED BY THE LEGISLATURE  
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

FRANCIS B. TIFFANY



WEST PUBLISHING CO.

1918

shall affect only the section or provisions declared to be unconstitutional or unauthorized, and shall not affect any other section or part of this act. ('17 c. 429 § 19)

---

## CHAPTER 22

### FORESTRY AND FOREST FIRES

[3794—]1. **Forester to give employment to sanatorium inmates**—The state forester is hereby authorized and directed that in the employment of labor whenever it is necessary to reforest the state lands of the state, or to perform such other labor as will by him be deemed proper in the care of such land, he shall consult the superintendent of the State Sanatorium for Consumptives and find from such superintendent, those persons who are able to perform labor who have received treatment at said sanatorium or county sanatorium for three months and shall in the employment of such laborers give preference to those who are in his judgment competent to perform such labor. ('15 c. 325 § 1)

[3794—]2. **Same—Compensation**—The compensation to be paid for such labor shall be the same as that received by others for like services. ('15 c. 325 § 2)

3810. **Laws repealed**—  
Cited (125-15, 145+402).

---

## CHAPTER 23

### REGULATION OF LABOR

#### DEPARTMENT OF LABOR AND INDUSTRIES

[3820—]1. **Co-operation with federal government and municipalities in conduct of labor bureaus**—The commissioner of labor is hereby authorized and empowered to co-operate with the federal government in the establishment, and maintenance within the state of Minnesota, of one or more employment bureaus for the purpose of bringing together the man and the job. Said commissioner is also authorized and empowered to co-operate in a similar way, and for the same purpose with [a] municipality or municipalities, or with the federal government and any municipalities.

Such co-operative employment bureaus, when established shall be under the joint management of the co-operating parties and the cost and expense of establishing and of carrying on any such bureau, shall be borne by the co-operating parties, upon an equitable basis to be agreed upon between them. ('17 c. 113 § 1)

3825. **Penalties**—Any officer, agent, or employé of the department who shall disclose the name of any person supplying information at the request of the department shall be guilty of a misdemeanor. Any person who, having been duly subpoenaed, shall refuse to attend or testify in any hearing under the direction of said commissioner shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, work shop, engineering work, store or other place enumerated in section 8 of this act, or agent of such person, who shall refuse to admit thereto any officer, agent or employé of the department seeking entrance in the discharge of his duty, shall be guilty of a misdemeanor. Any person, firm or corporation, or any of its officers or agents, who or which shall refuse to file with the department such reports as are required by it under the provisions of this act shall be guilty of a misdemeanor. ('13 c. 518 § 14, amended '17 c. 14 § 1)

## GENERAL PROVISIONS

**3831. Maximum day's work**—Unless a shorter time be agreed upon, or be provided by law, the standard day's work for hire shall be ten hours. Every employer and other person having control who shall compel any person to labor more than ten hours in any one day, shall be guilty of a misdemeanor; but persons of sixteen years of age and over, unless expressly forbidden by law, may labor extra hours for extra pay; and this section shall not apply to farm laborers, to domestic servants employed by the week or month, or to persons engaged in the care of live stock. (Amended '17 c. 248 § 1)

**3848. Same—Children under 16—Prohibited employments—Penalty**—  
Cited (183-109, 157+995).

This section and § 3870, construed as including dissimilar employments dangerous to life and limb, is not unconstitutional as leaving the dangerous character of the work in uncertainty (162+680). Master and Servant, ¶11.

The concluding clause following the enumeration of certain prohibited employments, held to include employments which are dangerous to the life and limb of the minor, though not similar in character to the class of work there specifically enumerated. Employment of minor aged 14 years 4 months in a quarry in connection with stationary engines, cars, etc., when injured from being run over by car, was within this section and § 3870 (162+680). Master and Servant, ¶95.

**3858. Assignment of wages or salary—Written notice**—No assignment, sale or transfer, however made or attempted to be made, of any wages or salary, to be earned, shall give any right of action, either at law or in equity, to the assignee or transferee of such wages or salary, nor shall any action lie for the recovery of such wages or salary, or any part thereof, by any other person than the person to whom such wages or salary are to become due, unless a written notice, together with a true and complete copy of the instrument assigning or transferring such wages or salary, shall have been given within three days after the making of such instrument to the person, firm or corporation from whom such wages or salary are accruing, or may accrue. (Amended '17 c. 321 § 1)

This section is not unconstitutional, as infringing upon freedom of contract, or as class legislation (125-211, 146+359, Ann. Cas. 1915C, 688). Constitutional Law, ¶89(4), 208(7).

The issue of noncompliance with this section held sufficiently raised by defendant's general denial (125-211, 146+359, Ann. Cas. 1915C, 688). Assignments, ¶132.

[3860—]1. **Certain assignments, wages or salary legalized**—That any and all assignments, sales or transfers of any wages or salary heretofore earned where no written notice, and copy of the instrument, assigning or transferring such wages or salary, or either of them, was given within three days after the making of such instrument to the person, firm or corporation from whom such wages or salary have accrued or are accruing, or where the requirements of section 3858, General Statutes, 1913, have not been complied with, are hereby legalized, confirmed and validated, and all such assignments are hereby made valid and enforceable by or against any such person, firm or corporation from whom such salary or wages have accrued or are accruing, as fully and to the same extent as if the acts hereinbefore referred to had been performed. Provided that nothing in this act shall be held to apply to or affect any action heretofore commenced or now pending in any of the courts of this state. ('17 c. 454 § 1)

[3861—]1. **Public service corporations to pay wages semi-monthly, etc.**—All public service corporations doing business within this state are required to pay their employees at least semi-monthly, the wages earned by them to within fifteen (15) days of the date of such payment, unless prevented by inevitable casualty.

Provided, however, that whenever an employee shall be discharged, his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter. ('15 c. 29 § 1, amended '15 c. 37 § 1)

[3861—]2. **Same—Penalty for violation**—Whenever any public service corporation shall for five days neglect or refuse to pay its employees as prescribed by Section 1 of this act [3861—1], the wages due them may be recovered by action without further demand, and there shall be allowed to the

plaintiff, and included in his judgment, in addition to his disbursements allowed by law, five dollars costs if the judgment be recovered in a justice court, and a like sum if the judgment be recovered in a municipal court, where no statutory costs are now allowed in such municipal court in such action, and double costs in all other courts or on appeal. ('15 c. 29 § 2, amended '15 c. 37 § 1)

[3861—]3. **Payment of salary or wages by non-negotiable time check or order—Penalty—**It shall be unlawful for any person, firm or corporation other than public service corporations to issue to any employee in lieu of or in payment of any salary or wages earned by such employee, a non-negotiable time check or order. Any person, firm or corporation so issuing a non-negotiable instrument in lieu of or in payment of such salary or wages earned, shall be guilty of a misdemeanor. ('17 c. 348 § 1)

**3862. Dangerous machinery, how guarded—Defective machines, etc.—Powers of commissioner—**

129-432, 152+840.

Evidence held to justify a finding of negligence in failing to guard dangerous machinery (124-65, 144+434). Negligence, [↔](#)134(4).

**3866. Manufacture and sale of unguarded machines prohibited—**

Cited (133-28, 157+899).

**3867. Rails and foot guards—Stairways—**

See note under § 3862.

**3870. Children under 16 not to be employed in certain occupations—**

The statute is not unconstitutional, as leaving the basis of the prohibition, namely, the dangerous character of the work, to doubt or uncertainty (162+680). Master and Servant, [↔](#)11.

As to application of this section to an action based on the federal Employers' Liability Act (see 133-301, 158+430). Master and Servant, [↔](#)153(2).

Concluding clause of this section, following enumeration of certain employments, includes employments dangerous to life and limb, though not similar to the class of work enumerated. The employment of a minor in a quarry held prohibited (162+680). Master and Servant, [↔](#)95.

**3871. Same—**

Cited (133-109, 157+995).

**3873. Protection of hoistways, elevators, etc.—**

Neither § 1813, R. L. 1905, nor § 1815 of said statutes, imposed any duty to inclose the car of a freight elevator (125-29, 145+628). Master and Servant, [↔](#)121(7).

Evidence of negligence in repair of automatic gates on elevator held to support verdict for death of employé (129-77, 151+541). Master and Servant, [↔](#)286(18).

Elevator in a manufacturing plant held improperly constructed (121-388, 141+488). Master and Servant, [↔](#)276.

**3874. Scaffolds, hoists, etc.—Duty of inspector—Overhead walks, etc.—**

131-475, 155+767.

An accident occurring prior to the enactment of this section is not affected by its terms as to the degree of duty owing by defendant to see that a proper plan of construction of a staging was used (128-71, 149+954). Master and Servant, [↔](#)116(2).

**3884. Corn shredders, etc.—Safety devices to be approved by commissioner—Sale, when prohibited—**

A manufacturer of a corn husker and shredder is not liable to an employé for injuries resulting from the fact that the machine was not guarded as required by this section, where the violation of the statute was not the proximate cause of the injury (133-28, 157+899). Negligence, [↔](#)56(3).

**3887. Cleanliness, etc.—**

Whether this section is for the benefit of persons other than employés, quare (124-65, 144+434).

## MINIMUM WAGE COMMISSION

3904-3923.

This act is a valid exercise of the police power of the state. It is not invalid as a delegation of legislative power to the Minimum Wage Commission. While the legislature cannot delegate legislative power, it may delegate authority or discretion to be exercised under and in pursuance of the law. It may delegate power to determine some fact or state of things upon which the law makes its own operation depend (165+495). Constitutional Law, [↔](#)62; Master and Servant, [↔](#)69.

**3907. Public hearings—Witnesses, etc.—**  
Cited (131-116, 154+750).

### STATE BOARD OF ARBITRATION

**3942. Procedure—Decision and its effect—**  
Cited (131-116, 154+750).

### [INJUNCTIONS AND RESTRAINING ORDERS]

[3946—]1. **Labor unions not unlawful**—It shall not be unlawful for working men and women to organize themselves into, or carry on labor unions for the purpose of lessening the hours of labor or increasing the wages or bettering the conditions of the members of such organizations; or carrying out their legitimate purposes as freely as they could do if acting singly. ('17 c. 493 § 1)

[3946—]2. **Same—Restraining order or injunction in what cases not to be granted**—No restraining order or injunction shall be granted by any court of this state, or any judge or judges thereof in any case between an employer and employé or between employer and employé or between employé or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney. ('17 c. 493 § 2)

[3946—]3. **Same—Restraining order or injunction, not to prohibit what acts**—No restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor; or from recommending, advising or persuading others by peaceful means so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any such person to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising, or persuading others by peaceful and lawful means, so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by a single individual; or shall any of the acts specified in this section be considered or held to be illegal or unlawful in any court of the state. ('17 c. 493 § 3)

[3946—]4. **Labor not commodity or article of commerce, etc.—Injunction, when not to be granted**—The labor of a human being is not a commodity or article of commerce, and the right to enter into the relation of employer and employé, or to change that relation; or to assume and create a new relation for employer and employé; or to perform and carry on business with any person in any place; or to work and labor as an employé, shall be held and construed to be a personal, and not a property right. In all cases involving the violation of the contract of employment, either by the employé or employer where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law. ('17 c. 493 § 4)

[3946—]5. **Same—No indictment, when**—No person shall be indicted, prosecuted, or tried in any court of this state for entering into or carrying on any arrangement, agreement, or combination between themselves made with a view of lessening the number of hours of labor or increasing wages or bet-

tering the condition of working men, or for any act done in pursuance thereof, unless such act is in itself forbidden by law if done by a single individual. ('17 c. 493 § 5)

[3946—]6. **Not to curtail power of executive department or courts, when**—Nothing in this act shall hamper or curtail or in any manner take away the power of the executive department of government, or of the courts where there is threatened any irreparable injury to business or property by reason of violence, threats or other unlawful acts, or where criminal syndicalism, as hereinafter defined, or the acts constituting the same, are involved; and criminal syndicalism is hereby defined to be the doctrine which advocates crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial, social or political reform. ('17 c. 493 § 6)

## CHAPTER 24

### SOLDIERS' HOME, RELIEF, ETC.

**3954. Who may be admitted**—The object of the soldiers' home shall be to provide a home for all honorably discharged ex-soldiers, sailors and marines, who served in the army or navy of the United States during the war of the rebellion, or the Mexican war, or in the war begun in the year 1898 between the Kingdom of Spain and the United States, or the Philippine Insurrection, or the Boxer Rebellion, who now are or may hereafter become citizens of the State of Minnesota, who, by reason of wounds, disease, old age or infirmities are unable to earn their living, and who have no adequate means of support. No applicant shall be admitted to the soldiers' home who has not been a resident of the State of Minnesota for one year next preceding the time of making his application, unless he served in a Minnesota regiment, or was accredited to the State of Minnesota. All persons who are otherwise entitled under the provisions of this section to admission to said soldiers' home, who actually served in any campaign against the Indians in Minnesota, in the year 1862 shall be entitled to admission to such soldiers' home, notwithstanding such persons were not regularly enlisted, mustered into or discharged from the military service of the United States.

The board of trustees are hereby authorized to admit wives with their husbands, and the widows or mothers of those who are, or if living, would be, eligible to admission under this act, but no wife or widow shall be admitted unless she shall have been married to her soldier husband prior to the year 1905, and no wife or widow of any honorably discharged ex-soldiers, sailors and marines, who served in the army or navy of the United States in the war begun in the year 1898 between the Kingdom of Spain and the United States, or the Philippine Insurrection, or the Boxer Rebellion, shall be admitted unless she shall have been married to her soldier husband prior to the year 1916, and then only in the event that by reason of physical disabilities, infirmities or old age she is unable to support herself and has no other adequate means of support; and no wife, widow or mother shall be admitted unless she shall have been a resident of the State of Minnesota no less than five (5) years next preceding the date of her application, and no wife, widow or mother shall be admitted unless she shall have attained the age of 55 years at the time of making such application. Provided, however, that in case any such wife, widow or mother who had previously been a resident of Minnesota for not less than ten years, and who has lost her residence in this state by removal therefrom for the benefit of her health or the health of her husband or son, and who has returned to this state for the purpose of making it her home, may be admitted to said soldiers' home after having been a resident of this state for not less than one year next preceding the date of her application, provided such applicant is otherwise eligible to admission under the provisions of this