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# 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

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1918

Evidence held to sustain a finding that a deceased workman was an employé at the date of his injury (133-402, 158+615).

**Subd. (g) (1)**—A policeman is a person in the service of a city, he not being appointed for a regular term of office; and hence he is an "employé" within the act (134-26, 158+790).

The dependents of a fireman of a city, killed while in the performance of his duty, are entitled to recover under this act. The fact that a city fireman was a member of a firemen's relief association, the funds of which were derived from a state tax, from a portion of insurance premiums collected, and from voluntary contributions of members of the association, did not prevent the dependents of the fireman, killed in the performance of his duties, from receiving compensation under this act to the full amount (134-26, 158+790). Master and Servant, [§ 364](#), 386(2).

**Subd. (g) (2)**—The clause "minors who are legally permitted to work under the laws of the state," found in this section was intended to exclude minors whose employment is prohibited by law (162+680). Master and Servant, [§ 366](#).

A boy of 18, though not licensed as an elevator operator under § 1432, was not, in view of §§ 3848, 3871, illegally employed, and hence excluded from the workmen's compensation act, where, at the time of his injury he was a student operator, and was operating the elevator alone during the absence of his instructor (133-109, 157+995). Master and Servant, [§ 366](#).

**Subd. (h)**—What constitutes "accident," see notes under §§ 8195, 8203.

**Subd. (i)**—An injury may be received in the course of the employment, and still have no causal connection with it, so that it can be said to arise out of the employment (129-176, 151+912). Master and Servant, [§ 375\(1\)](#).

**Subd. (k)**—129-91, 151+530; note under § 8207 (c).

## CHAPTER 85

### OFFICIAL AND OTHER BONDS—FINES AND FORFEITURES

#### 8231. Bonds, etc.—Sureties, qualifications—

126-435, 148+454.

#### 8233. State and county officers—Uniform bond—

A statutory bond, containing the statutory conditions, and also other conditions, will be so construed as to give effect to the statutory conditions, unless the language of the bond precludes such construction (122-504, 142+899, Ann. Cas. 1914D, 945). Bonds, [§ 50](#).

#### 8235. Surety companies—

A corporation, in the business of executing bonds as security for a consideration or premium, is entitled to the benefit of the equitable right of subrogation (126-188, 148+55). Subrogation, [§ 33\(1\)](#).

#### 8243. Official bonds, security to whom—Actions—

Cited (162+1054).

Sureties on an official bond are liable for unfaithful or improper conduct of the officer in the performance of acts or duties authorized or required by law, including trespass on person or property while performing official acts; but they are not liable for acts wholly outside the scope of the official duties of the principal (133-274, 158+394). Officers, [§ 129](#).

#### 8244. Leave to bring action—Indorsement on execution—

The provision for leave of court does not apply to action on a liquor dealer's bond (162+1054). Intoxicating Liquors, [§ 282](#).

#### 8245. Bonds of public contractors—Contracts with state board of control—Penalty—

Cited (162+1054; 133-54, 157+901).

**Liability of sureties in general**—Liability of sureties for delay in performance of contract for construction of school building (see 133-351, 158+619). Principal and Surety, [§ 82\(2\)](#).

Acquiescence in contractor's default as discharging sureties (see 133-351, 158+619). Principal and Surety, [§ 129\(1\)](#).

Liability on bond given under this section dependent on construction of contract (see 135-9, 159+1075).

**County ditch contractor's bond**—County ditch contractor's bonds held valid statutory obligations only to the extent of the fair import of their conditions (125-211, 146+359, Ann. Cas. 1915C, 688). Drains, [§ 49](#).

**Rural highway contractor's bond**—The bond required to be given by a contractor for the construction of a state rural highway, and conditioned as required by this section secures the payment of labor, skill, and material furnished in repairs upon tools and machinery employed in the work, and also for the reasonable value or agreed price of the use of appropriate tools and machinery furnished during and in the construction; but it does not secure payment of

the price of tools or machinery sold to the contractor and which become a part of his equipment, although the same are sold for the particular contract and are necessary and appropriate for that purpose (133-336, 158+432). Highways, [§113\(5\)](#).

**Subrogation by surety**—A surety on a contractor's bond, who has paid the claim of the creditor under compulsion, is entitled to subrogation to the rights of such creditor in the fund retained by the state, and such right was superior to the rights of a bank which had loaned money to the contractor (126-188, 148+55). Subrogation, [§7\(2\)](#), [§3\(2\)](#).

#### 8249. Limit of time to bring action—

The notice required by this section is not applicable to a drainage contractor's bond given under §§ 5497, 5537, ante (133-90, 157+998). Drains, [§49](#).

This section held not applicable to a bond given by a contractor to a city before the amendment of 1909, and which bond was governed by a provision of the city charter as to notice to the contractor and surety before action on the bond, though such charter provision was repealed during the life of the bond (134-121, 158+802). Municipal Corporations, [§49](#), 348.

This section has no application to the bond of a ditch contractor given under § 5537 (126-435, 148+454). Drains, [§49](#).

[8252—]1. **Subrogation of surety, etc.**—Whenever the surety upon the bond of any state officer shall have fulfilled the conditions of such bond and compensated the state for any loss occasioned by any act or omission of such officer, such surety shall be subrogated to all the rights of the state and if there shall be any property, evidence of indebtedness, or other obligation, or evidence thereof, in the possession of any official of the state and which shall have been received in connection with the transaction wherein such loss shall have occurred, the governor upon satisfactory proof that such loss has been so paid and the obligation of such bond fulfilled by said surety, shall thereupon by sufficient instruments of transfer, assign, transfer or convey to such surety any such property, evidence of indebtedness or obligation. ('17 c. 492 § 1)

## CHAPTER 86

### ACTIONS TO VACATE CHARTERS, ETC., AND TO PREVENT USURPATIONS

#### 8254. To vacate charter, etc.—

Where corporation's officers conduct its affairs in exclusive interest of stockholders electing them, and wrongfully exclude other stockholders, without statutory authority, court of equity, at suit of other stockholders, may wind up its affairs, appoint a receiver, and order a distribution (162+1056). Corporations, [§553\(6\)](#).

Dissolution of corporation at suit of minority stockholders (see 134-148, 158+820). Corporations, [§614\(1\)](#).

#### 8256. To vacate letters patent—

135-408, 161+156; note under § 5237, ante.