

GENERAL STATUTES
OF THE
STATE OF MINNESOTA

36

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COMPLETE IN TWO VOLUMES.

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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.

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WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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MINNESOTA STATUTES 1888 SUPPLEMENT

804 CRIMES AND PUNISHMENTS—PRINCIPALS AND ACCESSORIES. [Chap.

The effect of § 22 is to give the lien therein spoken of as security for moneys due the employes mentioned for wages; and further, to provide (for the purpose of making the lien effectual) that moneys so due shall be preferred, and first paid out of the proceeds of the sale of the property bound by the lien: *provided, however*, among other things, that in order to secure a lien, the claim of the employe for money due him as aforesaid must be filed in the office of the register of deeds, or of the town or city clerk, as the case may be. *Kruse v. Thompson*, 26 Minn. 424, 4 N. W. Rep. 814.

See *Olson v. Lumber Co.*, (Minn.) 33 N. W. Rep. 791.

*§ 23. Same—Notice in case of attachments, etc.

§ 23 does not assume to give any lien or any preference to the employe, but provides a way in which "an officer executing a writ of execution or attachment, or similar writ, upon the property of the employer, may and shall pay over to such employe the amount of his *claim*," meaning (by reference to the preceding section) the claim which he has filed as in such preceding section provided, and by filing which, as therein provided, he has secured the lien therein given. *Kruse v. Thompson*, 26 Minn. 424, 4 N. W. Rep. 814.

*§ 27. Lien for service of animals.

That neglect or refusal on the part of the owner of any mare, cow, ewe, or sow, to pay the service fees of any stallion, jack, bull, ram, or boar, kept for public service, until the birth of the offspring, shall in such case constitute a lien upon the offspring resulting from said service. (1885, c. 175, § 1.*)

*§ 28. Same—Perfecting lien—Release.

That the owner or owners of every stallion, jack, bull, ram, or boar, kept for public service, shall make and file within ninety days after said service, with the town clerk, in the same manner now provided for the filing of chattel mortgages, an accurate description of each female bred, such description to state time and place of service, color, supposed age, and any other description of said female that may be necessary for identification, together with the amount claimed to be due for the services of such animal. That a certified copy of said description shall be sufficient authority for the owner of said lien, his agent or assigns, to enforce the same by taking possession of said offspring, and to foreclose said lien as provided by law for the foreclosure of chattel mortgages in this state: *provided, however*, that upon the payment of said service fees, or the full satisfaction of said lien, the owner thereof shall file with the description before mentioned a full release of said offspring with the clerk of the township where said female is owned. (*Id.* § 2, as amended 1887, c. 73.)

CHAPTER 91.

CRIMES AND PUNISHMENTS—PRINCIPALS AND ACCESSORIES.

[Under §§ 1, 2, 10, 11, 12, see notes to §§ 5, 26, 32, 186, of Penal Code, *post.*]

*"An act relating to the service fees for domestic animals." Approved March 7, 1885.

to examine the statement on file. The parties filing a lien shall also serve a copy of such lien on the owner or agent of the property against which the lien is filed. The record of ownership in the office of the register of deeds shall be satisfactory evidence of ownership. (*Id.* § 4.)

***§ 21e. Evidence of owner's consent.**

The fact that the person performing labor or furnishing material was not enjoined by law from performing labor or furnishing material, by the person in whom the title was vested at the time such labor was performed or material furnished, shall be conclusive evidence that it was with and by the consent of the owner that such labor was performed and material furnished. (*Id.* § 5.)

***§ 21f. Action—Limitation.**

Any person filing a lien shall bring suit for recovery within four months after such lien is filed. (*Id.* § 6.)

***§ 21g. Jurisdiction of justices.**

Any justice shall have jurisdiction of any claim of one hundred dollars and under for the foreclosure of liens on personal property. (*Id.* § 7.)

***§ 21h. Sale—Redemption.**

The court granting judgment under this act shall immediately order the sheriff to publish a notice of sale of the property on which the lien was filed. The notice shall be published for three consecutive weeks in a newspaper published in the county where the lien was filed, and, if there is no newspaper, then by posting a notice in a conspicuous place in the court-house and three other places in the county for the same length of time. Thirty days after the first publishing or posting such notice the sheriff shall sell at public auction, in front of the court-house, to the highest bidder, a sufficient quantity of the property to satisfy all claims, and the sheriff shall give a deed where the property is real estate, and a bill of sale for other property, which shall convey the property, and take precedence of any other title: *provided*, the property may be redeemed at any time within one year from the date of sale by the person in whom the title was vested, at the time of sale, paying the principal, costs, attorneys' fees, and interest at the legal rate. (*Id.* § 8.)

***§ 21i. Sale of part of property.**

Where practical, the property may be divided at the option of the owner, and sufficient sold to pay all lawful demands, and any sum over and above shall be turned over to the owner of the property. (*Id.* § 9.)

***§ 21j. Priority over incumbrances.**

No incumbrance upon land created before or after the making a contract, or performing labor, or furnishing material, under the provisions of this act, shall operate upon the building erected or material furnished, until the lien in favor of the person performing the labor or furnishing the material shall have been satisfied. (*Id.* § 10.)

***§ 21k. Construction of act.**

It shall be the duty of the court, where any doubt arises as to the construction of this act, to construe it so as to give to the person performing any labor the full amount of his claim, over and above all costs, and a reasonable attorney's fee, to be determined by the court. (*Id.* § 11.)

***§ 22. Lien for wages.**

The provisions of Gen. Laws 1878, c. 86, were not intended to secure to farm laborers a lien for wages upon agricultural products. *Schilling v. Carter*, 35 Minn. 287, 28 N. W. Rep. 658.