

CHAPTER LXIV.

An Act to prevent the commission of waste upon incumbered real estate.

March 4, 1869.

- SECTION 1. No person shall remove any building, fixture or fence from real estate upon which exists any mortgage or mechanic's lien, without permission of person holding said mortgage or lien—punishment for violating provisions of this act.
2. In case of such removal the District Court shall have power to order such building replaced.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

Penalty for removing property from mortgaged real estate

SECTION 1. That no mortgagor or other person shall remove any building, fixture or fence, situate or being upon any real estate on which real estate any mortgage or mechanic's lien exists, either before or after the foreclosure of such mortgage or sale in satisfaction of such lien, to the prejudice of any holder of such mortgage or lien; and with the intent to impair or lessen the value of such mortgage or lien, without first having procured the consent of the person owning or holding such mortgage or lien. Any person offending against the provisions of this section shall be punished by fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months or by both fine and imprisonment.

In case of removal Court may order the same replaced.

SEC. 2. Whenever any person shall remove any building, fixture or fence in violation of the provisions of the first section of this act from any real estate upon which there is a mortgage or lien the district court of the county in which such real estate is situate shall have power to order such building, fixture or fence to be restored and replaced upon such real estate and may compel the same by attachment and punishment as for contempt, and may in the same action give damages for such removal.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1869.