

if there is none, then by posting up such notice in three (3) of the most public places in such county. The proceeds of such sale shall be applied first to the discharge of such lien and the costs and expenses of keeping and selling such property, and the remainder, if any, shall be paid over to the owner thereof or person entitled thereto.

Priority of lien, except for service fees of domestic animals.

SEC. 2. The lien in this act provided for shall have priority over all other liens and incumbrances (excepting the lien provided for in Chapter one hundred and seventy-five (175) General Laws of eighteen hundred and eighty-five (1885), and all acts amendatory thereof), and liens by virtue of any mortgage, bill of sale or other instrument theretofore made and duly recorded in the office of the clerk of the proper town, city or village, and no person entitled to such lien shall be deemed to have waived or lost the same by reason of said property or any thereof being out of his possession, provided the same does not so remain out of his possession for a period exceeding ten (10) days at any one time; and such person shall have the right to retake and reduce such property to his possession at any time within the said ten (10) days, in whomsoever hands the same may be, and hold the same as above provided to satisfy said lien and his reasonable costs and expenses.

Penalty for conveying property without notice of lien.

SEC. 3. If any person having theretofore conveyed any of the property above mentioned by mortgage or lien, as provided by this act, shall, during the existence of the lien or title created by such mortgage, suffer the same to be sold, as herein provided, without personal notice to the mortgagee of the time and place of such sale, at least two (2) days before such sale, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding ninety (90) days.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 9, 1891.

CHAPTER 29.

[S. F. No. 367.]

To protect livery stable keepers, for damages to property.

AN ACT TO PUNISH BAILEES FROM LIVERY STABLE KEEPERS FOR FRAUDS AND INJURIES TO PROPERTY IN CERTAIN CASES.

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

SECTION 1. A person who obtains from the keeper, manager or proprietor of any livery stable keeper the possession or use of any horse or other draught animal or vehi-

cle without paying for such possession or use, with intent to defraud such keeper, manager or proprietor, or who obtains from such person the possession or use of any of such property by color or aid of any fraudulent or false representations or pretense, or of any false token or writing, or who obtains credit for such use by color or aid of any false or fraudulent representations or pretense or of any false token or writing, or who, having hired any such property from any such keeper, manager or proprietor, shall by gross negligence or recklessly, willfully or wantonly injure or destroy the same or any thereof, or cause, suffer, allow or permit the same to be done, or who, having hired any horse or other draught animal from any such keeper, manager or proprietor upon the understanding or agreement that the same shall be ridden or driven a specified distance or to a specified place, shall willfully and fraudulently ride or drive the same a longer distance or to a different place, or cause, permit or allow the same to be done, and shall willfully and fraudulently represent that the same has not been ridden or driven a longer distance or to a different place than the distance or to the place specified as aforesaid, is guilty of a misdemeanor.

Failure to pay for use of livery a misdemeanor.

Reckless or wanton injury of property a misdemeanor.

SEC. 2. The provisions of this act shall not apply to any case of taking or obtaining the use or possession of the property of another with intent to steal such property, nor where the facts would constitute the crime of larceny.

Not to affect cases where the facts would constitute a larceny.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

CHAPTER 30.

[H. F. No. 1020.]

AN ACT TO REGULATE THE PRACTICE OF MIDWIFERY IN THE STATE OF MINNESOTA.

Practice of midwifery.

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

SECTION 1. That every person practicing midwifery in any of its branches shall possess the qualifications required by this act. Every person hereafter beginning the practice of midwifery in this state, if a graduate in midwifery, shall present his or her diploma to the state medical examining board for verification of its genuineness. If the diploma is found to be genuine, and the person named therein be the person claiming and presenting the same, the board, on payment of the fee of one dollar (\$1.00), shall issue a license to that effect signed by the president and secretary of said board, and bearing the seal of said board,

Graduated practitioners must present diplomas to state medical board.