

maintained and kept in repair by such company or corporation, and it shall be liable for all damages growing out of its failure to maintain and keep in repair such fence; *provided*, that this act shall not repeal or change in any way sections twenty-six ninety-three (2693) and twenty-six ninety-four (2694) of the general statutes of eighteen hundred and ninety-four (1894) but the same shall remain in full force and effect, and the liability of any railroad companies for damages to stock therein and thereby imposed shall in no way be changed, released or modified; and such company or corporation shall be liable for domestic animals killed by reason of its neglect to fence the road, notwithstanding that notice to the company to fence its track, as herein provided, may not have been served upon the company.

Former act
remains in
force.

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

Approved April 23, 1897.

CHAPTER 347.

H. F. No. 99.

An act to amend chapter eighty-nine (89) of the general laws of Minnesota for the year eighteen hundred and seventy-six (1876), as amended by chapter four (4) of the general laws of eighteen hundred and seventy-eight (1878), chapter eighty-six (86) of the general laws of eighteen hundred and eighty-five (1885), and to repeal section fourteen (14) of said chapter eighty-nine (89) of the general laws of eighteen hundred and seventy-six (1876), relating to liens upon logs and lumber.

Liens on logs
and lumber.

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

SECTION 1. That chapter eighty-nine (89) of the general laws of Minnesota for eighteen hundred and seventy-six (1876), entitled "An act for providing for a lien for labor upon logs and timber," as amended by chapter four (4) of the general laws of eighteen hundred and seventy-eight (1878), chapter eighty-six (86) of the general laws of eighteen hundred and eighty-five (1885), be and the same hereby is amended in the following particulars.

Amendment.

SEC. 2. That section one (1) of said chapter eighty-nine (89) of said laws of eighteen hundred and seventy-six (1876), as amended by the acts aforesaid be, and the same hereby is amended so as to read as follows:

Sec. 1. Any person who shall do or perform any labor or services in cutting, felling, hauling, driving,

Labor on logs and lumber protected by lien on same, as against others except state.

rafting, booming, cribbing, or towing any logs, railroad cross ties, telegraph or telephone poles, piling or timber of any kind in this state, shall have a lien upon such logs, railroad cross ties, telegraph or telephone poles, piling or timber, as against the owner thereof and all other persons except the state of Minnesota, for the amount due for such services, and the same shall take precedence of all other claims thereon; and any verbal or written agreement, expressed or implied, made by or between any person or persons, or chartered company or companies, designed to act as a waiver of any right under this act, or any portion thereof, shall be wholly void unless such waiver be witnessed by two witnesses and acknowledged before an officer authorized to take acknowledgments.

Lien not good as against owner of land.

The lien herein created shall not attach as against the claim of the owner or legal occupant of the land upon which logs or timber were cut in cases of trespass, or when the logs or timber were cut or carried away without the consent of such owner or legal occupant.

Sec. 14, chap. 89, 1876, repealed.

SEC. 3. That section fourteen (14) of said chapter eighty-nine (89) of said laws of eighteen hundred and seventy-six (1876), be and the same hereby is repealed.

SEC. 4. That said chapter eighty-nine (89) of the said laws of Minnesota for eighteen hundred and seventy-six (1876), be and the same hereby is amended by adding thereto the following section, viz:

Limitation of lien.

Sec. 16. Nothing in this act contained shall be construed as giving to any contractor, or sub-contractor, or all contractors and sub-contractors of any work combined, a lien upon logs or timber for an amount greater than the contract price of doing such work, as fixed by the contract thereof between the owner of such logs or timber and the original contractor; and in the computation of the amount of lien to which any contractor, contractors, sub-contractor or sub-contractors, are entitled, under the provisions of this act, deduction shall be made of the amount of all liens of laborers for work done upon such logs or timber.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.