

hundred and seventy-eight (1878) be and the same is hereby amended by adding thereto, at the end thereof, the following:

And, *provided further*, that when lots or pieces of land which have been used by the inhabitants of any town as a cemetery, shall be within the limits of an incorporated village, and such incorporated village shall hereafter or has heretofore become separated from the town, the town shall have the power to sell and dispose of its interests in such lots or lands to such incorporated village.

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

Approved April 20th, 1899.

On separation of town and village, town may sell to village.

#### CHAPTER 341.

S. F. No. 340.

*An act to amend section 5192 of the General Statutes of the State of Minnesota of 1894, relating to changes of venue on appeal from justice courts to district courts.*

Change of venue in justice court.

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

SECTION 1. That section 5192 of the General Statutes of 1894 be and the same hereby is amended so as to read as follows: "Section 5192. When an action has been instituted in any county in this state in any justice court of any county against any natural person not a resident of the county where the justice issuing the process resides, and said action shall be appealed to the district court of said county where said justice resides, the action may be transferred to the district court of the county where the defendant resides upon filing with the clerk of the district court of the county in which said action was begun, an affidavit of the defendant or his attorney, setting forth that the defendant (or when there is more than one defendant, a majority of the defendants) resided when the action was begun in some other county in this state, which affidavit shall be filed within ten (10) days after the appeal has been allowed, the appellant shall, within twenty days after such affidavit is filed, make application to the court for an order transferring said action to the district court of the county named in said affidavit. If the appellant fails to make such application within said twenty days he shall lose his right to have the said action transferred, and the district court of the

Action against non-resident of county, on appeal to district court; venue, how changed.

county where said action was brought shall have full jurisdiction as in other actions appealed from a justice court. Immediately upon such application being made, the court shall enter its order transferring the said action to the district court of the county where the defendant, or a majority of the defendants, reside, and the clerk of such district court shall thereupon transmit to the clerk of the district court specified in said order all papers and files in said cause.

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

Approved April 20th, 1899.

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### CHAPTER 342.

S. F. No. 61.

Liens for labor and services on logs, ties, cedar poles and timber.

*An act providing for the giving and enforcing of a lien for labor and services performed in cutting, hauling, banking, driving, rafting, cribbing or towing logs, railroad crossties, cedar poles or timber in the State of Minnesota and repealing chapter eighty-nine (89) of the laws of eighteen hundred and seventy-six (1876), chapter four (4) of the laws of eighteen hundred and seventy-eight (1878), and chapter eighty-six (86) of the laws of eighteen hundred and eighty-five (1885), and all other acts or parts of acts inconsistent herewith.*

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

Liens, when to attach.

SECTION 1. Any person who may do or perform any manual labor in cutting, hauling, banking, driving, rafting, cribbing or towing any logs, railroad crossties, cedar poles or timber in this state shall have a lien thereon 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, express or implied, made by or between any person or persons, corporation, 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. 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 and timber were cut and carried away without the consent of such owner or legal occupant.

Lien not to attach against owner without his consent, in cases of trespass.