

H. F. No. 534.

CHAPTER 228.

Blacksmiths.

An act to provide for liens upon horses and other animals for the cost of shoeing the same.

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

Lien upon animal for charges for shoeing.

SECTION 1. Every person who shall shoe or cause to be shod by his employes any horse, mule, ox or other animal shall have a lien upon the animal shod for his reasonable charge for the shoeing of the same, and each lien conferred by this act shall take precedence of all other claims or liens thereon not duly recorded prior to the recording of the claim of lien, as hereinafter provided, but such lien shall not attach where the property has changed ownership prior to the filing of such lien.

Filing statement with city clerk.

SEC. 2. Any person desiring to secure the benefit of this act shall, within six (6) months after the shoeing of such horse, mule, ox, or other animal, or in case he shall have shod such animal more than once within that time, then within six (6) months of the last shoeing, file with the township clerk, or the city clerk, as the case may be, in the township or city in which such animal is, a statement made under oath by the claimant, or some one in his or her behalf, and a notice of his intention to claim a lien upon such animal for his charges for the shoeing of the same.

SEC. 3. Such statement and notice shall state the name of the person claiming the lien, the name of the owner or reputed owner of the animal sought to be charged with the lien, and a description sufficient for identification of the animal upon which the animal is claimed, and the amount due the claimant, as near as may be, over and above all legal set-offs.

Successive liens.

SEC. 4. Any person may file successive liens upon the same animal for charges for shoeing the same, and he may include in any one claim of lien his charges for any number of times of shoeing such animal; *provided, however*, that no lien shall be had for any shoeing of any animal done more than six (6) months prior to the filing of the notice of lien.

Duty of clerk.

SEC. 5. It shall be the duty of the township or city clerk, as the case may be, upon the presentation to him of any such statement and notice of lien, to file the same in his office in the same manner as provided by law for the filing and recording of chattel mortgages; and he shall be entitled to charge and receive from the person

filing such statement and notice a fee of twenty-five (25) cents, and no more.

SEC. 6. A copy of such statement and notice of lien, filed as aforesaid, certified by the township or city clerk as the case may be, shall be received in evidence in any proceeding taken to enforce the lien herein provided for, but only of the fact that such statement and notice of lien was received and filed according to the indorsements of the township or city clerk thereon, and of no other fact.

SEC. 7. The person having such lien shall within six months from and after the date of filing such lien statement, commence suit for the recovery of such charges by summons, in the usual form, before any justice of the peace of the township in which he resides, or in any court, as the case may require, against the person liable for the payment thereof. But before any such lien claimant shall commence any action to foreclose such lien, he shall give the person against whom he proposes to bring such action at least twenty (20) days' notice in writing of his intention to foreclose such lien.

Limit of
time for
suit.

SEC. 8. If such summons be returned personally served upon the defendant, the same proceedings shall thereon be had in all respects as in other suits commenced by summons, in which there is a personal service of process; the judgment shall be rendered in such suit in like manner as judgments are now rendered in civil actions.

Summons.

SEC. 9. If the officer return upon such summons that the defendant cannot be found in this county, the same proceedings shall be had in all respects, as near as may be, as in suits commenced by attachment in which there is not a personal service of the attachment upon the defendant, and judgment shall be rendered in such suit in like manner as judgments are now rendered in such actions.

SEC. 10. If the plaintiff recover judgment in such suit, execution shall be issued thereon in the same manner and with like effect as upon judgments now rendered in suits commenced by attachment, and the horse, mule, ox, or other animal, upon which the plaintiff holds such lien, shall not be exempt from execution, but may be sold to satisfy such execution in the same manner as if it had been seized and held upon an attachment in such suit.

Judgment
and exe-
cution.

SEC. 11. All expenses which shall have been incurred by the person having such lien after the same accrued shall be an additional lien upon the property, and shall be computed and ascertained upon the trial or assessment of damages, and included in the judgment.

SEC. 12. In all suits or attachments prosecuted under the provisions of this act, the court, jury or justice of the

Finding
of court.

peace who shall try the same, or make an assessment of damages therein, shall, in addition to finding the sum due the plaintiff, also find that the same is due for the cost of shoeing the horse, mule, ox, or other animal described in plaintiff's declaration, and is a lien upon the same; *provided, however*, that if the court, jury or justice of the peace shall find that the amount due the plaintiff is not a lien upon the property described in the plaintiff's declaration, the plaintiff shall not be non-suited thereby, but shall be entitled to judgment as in other civil action; but in such case said plaintiff shall not recover or tax any costs other than those allowed and taxable in such case; and in those cases where the amount due is found to be a lien upon the property mentioned in plaintiff's declaration, the finding or verdict may be in the following form: (The court, jurors or justice, as the case may be) say that there is due the sum of dollars from the said defendant, and that the same is due for plaintiff's reasonable charges for shoeing the animal mentioned in plaintiff's declaration (giving a description sufficient for identification of the animal), and that the plaintiff has a lien upon said animal for said amount.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 10, 1901.

H. F. No. 567.

CHAPTER 229.

Amendment.
Game and
fish.

An act to amend chapter two hundred twenty-one (221) of the Laws of eighteen hundred ninety-seven (1897), as amended by chapter two hundred forty-two (242) of the Laws of eighteen hundred ninety-nine (1899), entitled "An act for the preservation, propagation, protection, taking, use and transportation of game and fish."

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

SECTION 1. That section one (1), of chapter two hundred twenty-one (221), of the Laws of eighteen hundred ninety-seven (1897), be and the same is hereby amended to read as follows:

Section 1. There is hereby created a board to be known as the Board of Game and Fish Commissioners of the State of Minnesota, which board shall consist of five (5) members, to be appointed by the governor as soon as this act is signed and takes effect. They shall serve without compensation, but each shall be reimbursed for his actual

Commission-
ers.