

shall thereupon notify such bank by registered mail of his order, and if the same is not complied with thirty days after the date of the mailing of such order, such bank may be closed by him and if closed shall not be permitted to resume business until said order has been fully complied with. All such bonds or contracts of insurance shall remain in custody of the bank protected thereby and shall be available for examination and inspection by the superintendent of banks.

Approved April 24, 1925.

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CHAPTER 352—S. F. No. 1020.

*An act to amend Sections 8525 to 8528 both inclusive, General Statutes 1923, relating to the creation and establishment of liens upon motor vehicles, the filing of instruments evidencing such liens upon such motor vehicles, and the foreclosure thereof.*

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

That Section 8524 to 8528, both inclusive, General Statutes 1923, be amended so as to read as follows:

**Section 1. Motor vehicle liens.**—Whoever performs or contributes any labor or skill, or furnishes or contributes any machinery, materials, storage, in making, altering, repairing, storing, or otherwise caring for any motor vehicle whether pursuant to a contract with the owner of such motor vehicle or at the instance or request of any agent of such owner, shall have a lien upon such motor vehicle for the price, or value, of the labor or skill performed, or machinery, supplies, materials, storage, is furnished pursuant to a contract for an agreed price, the lien shall be for the sum so agreed upon; otherwise, it shall be for the reasonable value thereof.

8525. The lien shall cease at the end of 60 days after the furnishing of the last item of such labor, machinery, supplies, materials, and *within sixty days* after the termination of such storage, unless within such period a statement of the claim therefor be filed for record with the *register of deeds of the county, or with the city clerk of cities of the first class, in which the owner of such motor vehicle resides, as the case may be.* Such statement shall, by or at the instance of the lien claimant, be verified by the oath of some person, shown by such verification to have knowledge of the facts stated, and shall set forth:

1. The name of the person claiming the lien, and notice of intention to claim and hold a lien;

2. The name of the owner, or reputed owner, of such motor vehicle;

3. The license number of such motor vehicle, if licensed under the laws of the State of Minnesota;

4. The amount claimed to be due, and that such amount is due for labor performed, or machinery, materials, supplies, storage furnished to the owner of such motor vehicle, or at the *request* of the agent of such owner.

5. The dates when the first and last items of the labor, or other contribution, were made.

8526. Such lien may be foreclosed by action within six (6) months after the statement is filed. The summons shall state that the complaint has been filed with the clerk of court in which the action is commenced, and shall contain a notice that the action is brought to foreclose a lien, giving the amount thereof, and the license number of the motor vehicle affected. *Upon the commencement of the action to foreclose the lien, the lien claimant shall be entitled to the possession of the motor vehicle for the purpose of foreclosing the lien thereon, and may maintain an action of replevin therefor, against the owner or possessor thereof as by statute in such case made and provided.* If the lien claimant recover judgment, the court shall order the sheriff, or officer, to seize such motor vehicle forthwith, and sell the same at public vendue, in the manner provided by law for the sale of personal property on execution. Out of the proceeds of such sale, there shall be paid,—first, the expenses thereof, the fees of the officer, and the court costs; second, to the claimant, the amount of his lien, with interest to date; the remainder shall be paid to the owner of the motor vehicle sold, or other person entitled thereto.

8527. At or before posting the notice of sale, the sheriff shall serve a copy of said notice of sale *upon* the judgment debtor.

8528. The term "motor vehicle," used herein, includes all vehicles of locomotion, *including tractors*, except those propelled by muscular power, and except those which run on rails or tracks. The term "owner" shall include the conditional vendee or mortgager in possession.

Sec. 2. All acts and part of acts inconsistent herewith are hereby repealed.

Approved April 24, 1925.

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#### CHAPTER 353—S. F. No. 1134.

*An act authorizing the appointment of a person holding an appointive state office to another appointive state office without additional salary.*

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

Section. 1. **State officer may hold two positions.**—In filling any appointive state office which the law provides shall be filled by the governor, he may appoint to such office a person already