

Section 19. Any contractor or sub-contractor who shall purchase material on credit and represent at the time of said purchase that the same is to be used in a designated building or other improvement and shall thereafter use, or cause to be used, the said material in the construction of any building or improvement other than that designated when purchased, with intent to defraud the person from whom the material was purchased without first having given due notice to the person from whom the material was so purchased, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding three months, or both, at the discretion of the court.

Fraud in the purchase of materials--penalty.

SEC. 8. Chapter ninety (90), of the General Statutes of one thousand eight hundred and sixty-six (1866), is hereby amended by adding thereto the following section, which shall be termed section twenty (20), and shall read as follows:

Section 20. Or if the building or other improvements erected, is constructed of wood or other materials movable from the premises, the court may direct that the same be sold to satisfy such liens, and purchasers may, under the direction of the court, remove such building or improvement from the premises within sixty days after such sale.

Movable buildings or improvements may be sold.

SEC. 9. This act shall take effect, and be in force from and after its passage.

Approved March 12, 1878.

#### CHAPTER 4.

AN ACT TO AMEND SECTION ONE (1) OF CHAPTER EIGHTY-NINE, (89) OF THE GENERAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY SIX, (1876), BEING AN ACT FOR PROVIDING A LIEN FOR LABOR UPON LOGS AND TIMBER.

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

SECTION 1. That section one (1), of chapter eighty-nine (89) of the General Laws of one thousand eight hundred and seventy-six (1876), be and the same is hereby amended to read as follows:

Lien for labor upon logs or timber takes precedence of all other claims.

Section 1. Any person who may do or perform any manual labor in cutting, banking, driving, rafting, cribbing, or towing any logs 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 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. The lien herein created, shall not

Cases of tres-  
pass.

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.

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

Approved March 11, 1878.

## CHAPTER 5.

AN ACT TO AMEND SECTION THIRTY-FOUR (34) OF CHAPTER FIFTY-THREE (53) OF THE STATUTES OF MINNESOTA.

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

Chapter 53  
general stat-  
utes amended.

SECTION 1. That section thirty-four (34) of chapter fifty-three (53) of the General Statutes of the State of Minnesota be amended so as to read as follows :

Payment of  
debts against  
estates.

If the assets which the executor or administrator has received and which can be appropriated to the payment of debts are not sufficient therefor, he shall after paying the necessary expenses of his funeral, last sickness and administration, pay the debts against the estate in the following order :

First. Debts having preference by the laws of the United States.

Second. Public rates and taxes.

Third. Judgments entered and perfected prior to the death of the deceased, and docketed at the time of his death in the county in which he resided : Provided, that the preference of such judgment shall only extend to assets of the estate derived from real property upon which such judgment was a lien during the lifetime of the deceased. And all judgments entered and docketed in this State, of which the executor or administrator shall have had actual notice within six months from the date of the death of the deceased.

Fourth. Debts due to other creditors.

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

Approved March 7, 1878.