

CHAPTER 170.

[H. F. NO. 43.]

AN ACT GIVING LABOR THE RIGHT OF FIRST (1st) LIEN AND MATERIAL FURNISHED A SECOND (2d) LIEN ON ALL PROPERTY.

281-170  
38-M . 266  
38-M . 274  
39-nw 80  
281-170  
39-M . 298  
39-M . 438

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

SECTION 1. That on and after the passage of this act all labor performed by contract or by the day on any building, article or utility or that has entered into the construction of any thing, shall be a first lien thereon, to the full amount of the money or other consideration agreed upon between the owner or employer and employe, whether the person performing the labor be a contractor, sub-contractor or working for wages; and in addition to the lien for labor there shall be added thereto a sum to cover costs and a reasonable amount for attorney's fees.

Labor a first lien.

SEC. 2. All material furnished in the construction or building or in aid thereof of any building, article or utility or any thing whatever, shall be a second lien thereon whether it be real estate, homestead, personal property or otherwise, to the full amount of money or other consideration agreed upon and all costs and an attorney fee not exceeding ten dollars (\$10), in the discretion of the court, provided, that any person wishing to file a lien under the provisions of this act having furnished both labor and material shall specify the amount of labor and material as separate items in one statement, but the amount for material shall not be paid until all claims for labor are satisfied.

Material a second lien.

SEC. 3. Any contractor or sub-contractor receiving the full amount of the money or other consideration due on his contract and failing to pay the person performing any labor or furnishing any material, expended or used in the construction of any building, article or utility, thereby allowing a lien to be filed against such property shall be deemed guilty of obtaining money under false pretenses, and may be punished under the statute made and provided for that offense.

Contractors may be punished in certain cases.

SEC. 4. Any lien filed under the provisions of this act, must be filed in the office of the register of deeds of the county where such labor was performed and material furnished, within ninety (90) days from the last day on which any labor was performed or material furnished, by leaving with the register of deeds a statement of the amount of labor performed and material furnished and the register of deeds shall make a record of such filing by making an

Liens—how and when filed,

entry in a book kept for the purpose, of the date of filing and amount of claim and shall place the statement on file. Any of the parties interested shall have the right to examine the statement on file. The parties filing a lien shall also serve a copy of such lien on the owner or agent of the property against which the lien is filed. The record of ownership in the office of the register of deeds shall be satisfactory evidence of ownership.

SEC. 5. The fact that the person performing labor or furnishing material was not enjoined by law from performing labor or furnishing material, by the person in whom the title was vested at the time such labor was performed or material furnished, shall be conclusive evidence that it was with and by the consent of the owner that such labor was performed and material furnished.

Limit of time.

SEC. 6. Any person filing a lien shall bring suit for recovery within four (4) months after such lien is filed.

Jurisdiction.

SEC. 7. Any justice shall have jurisdiction of any claim of one hundred dollars (\$100) and under for the foreclosure of liens on personal property.

Proceeding in case of judgment.

SEC. 8. The court granting judgment under this act, shall immediately order the sheriff to publish a notice of sale of the property on which the lien was filed. The notice shall be published for three (3) consecutive weeks in a newspaper published in the county where the lien was filed, and if there is no newspaper then by posting a notice in a conspicuous place in the court house and three (3) other places in the county for the same length of time. Thirty (30) days after the first publishing or posting such notice the sheriff shall sell at public auction in front of the court house to the highest bidder a sufficient quantity of the property to satisfy all claims and the sheriff shall give a deed where the property is real estate, and a bill of sale for other property which shall convey the property and take precedence of any other title. *Provided*, The property may be redeemed at any time within one (1) year from the date of sale by the person in whom the title was vested, at the time of sale, paying the principal, costs, attorneys fees and interest at the legal rate.

Property may be divided and part sold.

SEC. 9. Where practical the property may be divided at the option of the owner and sufficient sold to pay all lawful demands and any sum over and above shall be turned over to the owner of the property.

Incumbrance on land.

SEC. 10. No incumbrance upon land created before or after the making a contract, or performing labor, or furnishing material, under the provisions of this act, shall operate upon the building erected or material furnished, until the lien in favor of the person performing the labor or furnishing the material shall have been satisfied.

SEC. 11. It shall be the duty of the court where any

doubt arises as to the construction of this act, to construe it so as to give to the person performing any labor the full amount of his claim over and above all costs and a reasonable attorneys fee, to be determined by the court.

Duties of court  
in construing  
act.

SEC. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

When act to  
take effect.

Approved March 8, 1887.

## CHAPTER 171.

[H. F. No. 732.]

AN ACT TO PROVIDE FOR THE PROSECUTION AT THE EXPENSE OF THIS STATE, OF CERTAIN CASES IN BEHALF OF SETTLERS UPON CERTAIN LANDS KNOWN AS "INDEMNITY LAND" IN THIS STATE.

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

SECTION 1. Whereas, there is in the county of Traverse, Minnesota, a large body of land, equal to about one-fourth ( $\frac{1}{4}$ ) of the entire area of the county, and a large area in many other counties of the state, comprising the finest and choicest agricultural lands therein, which is known as "Indemnity Lands," and the title to which is claimed to be in dispute between the United States government and certain railroad companies.

Indemnity  
lands.

SEC. 2. Whereas, the said land has been and remained in the aforesaid uncertain condition as to title for more than ten (10) years past, without prospect of adjustment;

SEC. 3. Whereas, a large number of our best citizens have settled on said lands in anticipation of a speedy determination of said dispute in favor of the government, and have made improvements and established their homes thereon, and are living in a state of perpetual uncertainty as to their possessions and homes;

SEC. 4. Whereas, owing to such uncertainty as to title, a large proportion of said land still remains vacant, thus greatly retarding the progress and settlement of said counties;

SEC. 5. And whereas, a large proportion of said settlers have instituted suits to obtain title to said land, and have employed at great individual expense an attorney to prosecute their said cases and have asked and petitioned this