

Historical
society author-
ized to appoint
Librarian

authorized and empowered to employ some suitable and capable person to catalogue, label, arrange and take care of the books in the Territorial Library, and to procure the printing of a certain number of the catalogues of said library, not to exceed, however, five hundred copies.

Money appropri-
ated as com-
pensation

Sec. 2. The sum of one hundred and fifty dollars is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, to the Dakota Historical Society, for the purpose of carrying into effect the objects set forth in the first section of this act.

When to take
effect

Sec. 3. This act shall be in force and take effect from and after its passage and approval.

Approved, January 8, 1868.

MECHANICS LIENS.

CHAPTER XXI.

AN ACT TO ENFORCE MECHANICS LIENS ON BUILDINGS.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota:*

On what liens
may be had

Section 1. Mechanics, and all persons performing labor, or furnishing materials for the construction or repair of any building, or who may have furnished any engine or other machinery for any mill, or other manufactory may have a lien separately or jointly upon the building which they may have constructed or repaired, or upon any buildings, mill, or other manufactory for which they may have furnished materials of any description, and on the interest of the owner in the lot or land stands, to the extent of the value of any labor done, on which it or materials furnished, or for both.

Sec. 2. The provisions of this act shall only extend to work done or materials furnished on new buildings, or to a contract entered into with the owner of any building for repairs, or to the engine or other machinery furnished for any mill or other manufactory, unless furnished to the owner of the land on which the same may be situated, and not to any contract made with the tenant, except only to the extent of his interest.

Provisions of
this act how
far to extend

Sec. 3. Any sub-contractor, journeyman or laborer employed in the construction or repair, or furnishing materials for any building, may give to the owner thereof notice in writing, particularly setting forth the amount of his claim and service rendered, for which his employer is indebted to him, and that he holds the owner responsible for the same, and the owner shall be liable for such claim but not to exceed the amount due from him to the employee at the time of notice, which may be recovered in an action.

Notice in writ-
ing to be served
on employer

Sec. 4. Any person wishing to acquire such lien upon any property, whether his claim be due or not, shall file in the office of register of deeds of the county, within sixty days after the completion of the buildings or repairs, notice of his intention to hold a lien upon such property for the amount of his claim, specially setting forth the amount claimed, and the register of deeds shall record the notice when presented, in a book to be kept for that purpose, for which he shall receive twenty-five cents.

Steps necessary
to procure
liens

Sec. 5. Any person having such lien, may enforce the same by filing his petition or complaint in the district court in and for the county where the work was done or materials furnished; at any time within one year from the completion of the work or furnishing the materials, or if a credit be given, from the expiration of the credit.

When liens to
be taken

Sec. 6. In such actions, all persons whose liens are recorded, as herein provided, may be made parties, and issues shall be made, and trials had as in other cases; and the court may by the judgment direct a sale of the land and buildings for the satisfaction of the liens and costs; such sale to be without prejudice to the rights of any prior incumbrancer, owner or other persons not parties to the action. If several such actions be

Parties to
actions on liens

brought by different claimants, and be pending at the same time, the court may order them to be consolidated.

Claimants to be
paid proportion-
ately

Sec. 7. If the proceeds of the sale be insufficient to pay all the claimants, then the court shall order them to be paid in proportion to the amount due each.

Defendant to
file written
undertaking

Sec. 8. In all actions or proceedings commenced under this chapter, the defendant may file a written undertaking, with surety, to be approved by the court, to the effect that he will pay the judgments that may be recovered, and costs, and thereby release his property from the lien hereby created.

Certain act re-
pealed, Proviso

Sec. 9. Chapter fifty-four of the session laws of 1862, entitled an act to create a lien for mechanics in certain cases, is hereby repealed;

Provided, however, That such repeal shall not affect the rights or liabilities that have already accrued under and by virtue of said act.

When to take
effect

Sec. 10. This act to take effect and be in force from and after its passage and approval.

Approved, December 24, 1867.

MINES AND MINING.

CHAPTER XXII.

AN ACT CONCERNING MINES AND MINING.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Size of claim

Section 1. That a mining claim subject to location and pre-emption, by any one individual, on any gold or silver bearing quartz ledge or lode, in the Territory of Dakota, either discovered or that may hereafter be discovered, shall consist of two hundred feet along the ledge or lode with all its dips, spurs and angles, and with fifty feet on